

THE  
LEAGUE OF NATIONS  
STARTS

AN OUTLINE BY ITS ORGANISERS

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## FOREWORD

THE League of Nations is commonly spoken of as if it were a closely knit, compact entity, directed by a clearly defined individuality. It is almost never visualised as a co-operative association wherein the nations seek to overcome their mutual differences by means of a complex organization ramifying through many fields of international interest. We speak of "The League" much as we speak of "England" or "Italy," but whereas with individual countries the appellation connotes all the separate actions of government, in the case of the League, unfortunately, it brings to mind merely a single, very general, abstract principle.

If this error is natural because of the extreme newness of the League, it is none the less dangerous because of the tendency which it fosters to prevent our analysing the actual structure and method of operation of the League. Just as it is essential to the success of national governments to understand exactly what their duties and powers are, so, but to a still greater degree, is it essential to know what are the duties and powers of a League embracing most of the civilised world.

The League, indeed, can be analysed in just the same way as any other human association. It has its plenary organization, its executive committee, its permanent staff, its Court, and its special departments of health, labour, armaments,

communications, finance, and information. To understand it, we must understand the elements which go together to compose it.

Such a study of international machinery is, of course, absolutely new. Until the creation of the League of Nations, there existed hardly enough international activity to make it worth while. Within the past twelve months, however, there has evolved an international structure which, if still very incomplete, is yet sufficient to satisfy the general desire to know by what processes the nations of the world will eventually be brought into federation. Even to-day, we may see the oak in the seed.

Wholly apart, however, from the novelty and interest attaching to what may well become the most ambitious political movement ever attempted, a very real end is to be served in the bringing forth of constructive criticism. The present League of Nations is admittedly imperfect ; it satisfies its friends hardly more than it satisfies its enemies ; it has been launched on a long career of evolution and development ; it is faced by obstacles which at times seem insuperable ; yet it cannot be doubted that the main ideas underlying it must be made in one form or another to succeed.

That can be done only by the intelligent, constructive suggestion of those who believe in it. There will always be a plethora of hostile critics, of selfish interests, of narrow-minded individuals, to endeavour to cripple and destroy it, for it is now obvious that the spirit underlying the League of Nations is dangerously far in advance of present day practice. There remains for its friends, then, the task of aiding, guiding, and counselling the League into the channels which correspond with the world's better interests. Only disaster can come from the attitude of sitting comfortably back with the thought

that the League is now launched and has but to go its own way to success.

The League will undoubtedly meet with many set-backs ; that must clearly be foreseen. Complete success is altogether too much to expect of any human association, especially in the political field. The fair measure to apply to the League is to ask, not if it has done everything that lay open to it to do, but rather, if its creation has made the world a little better than it used to be. In other words, we must strike a broad average of accomplishment for the League, just as we strike a broad average of accomplishment for a national government. If we do not hold the latter a complete failure for not having averted crime or suppressed corruption, so we must give the League that same generous allowance for human fallibility, remembering above all else that it is but at the beginning of its development.

With these general ideas in mind, a number of men, familiar with both the broad policies and the detailed development of the League, have written a series of chapters, each on his own particular field, showing exactly how the League is organised and is functioning in its various activities. It is the hope of the writers that this analytical study will illuminate the general outlines of the League structure as it exists to-day, and stimulate public discussion and suggestion along those helpful and constructive lines which alone will make the League the success that the world has the right to expect.



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# I

## THE STRUCTURE OF THE LEAGUE

By RAYMOND B. FOSDICK, formerly Under-Secretary-General of  
the League of Nations.

THE League of Nations—or *La Société des Nations*—for the French and English languages are both official—came into existence on January 10, 1920. Eighteen states then became members by giving their final, formal approval to the Treaty of Peace with Germany, which entered into force at that time. The Covenant of the League of Nations—the written Constitution of this new political organ and a part of the Treaty—thus became a living instrument. It has a celebrated history, but we cannot pause to narrate that now. The final form of the document is printed in full in the Appendix. The Covenant contains twenty-six brief articles, and is much shorter and more readable than the Constitution of the United States. As yet, it has been subject neither to amendment nor to strained interpretation at the hands of any body of jurists or statesmen.

### ITS MEMBERS

Forty states, spread over the six grand divisions of the world, had, by August 1, 1920, accepted membership in the League without reservation :

## THE LEAGUE OF NATIONS

## EUROPE :

British Empire.	Norway.
Belgium.	Poland.
Czecho-Slovakia.	Portugal.
Denmark.	Roumania.
France.	Serb-Croat-Slovene State.
Greece.	Spain.
Italy.	Sweden.
Netherlands.	Switzerland.

## NORTH AMERICA :

Canada.	Guatemala.
Cuba.	Haiti.
	Panama.
	San Salvador.

## SOUTH AMERICA :

Argentine Republic.	Paraguay.
Bolivia.	Peru. :
Brazil.	Uruguay.
Chili.	Venezuela.
Colombia.	

## AUSTRALASIA :

Australia.	New Zealand.
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## AFRICA :

Liberia.	South Africa.
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## ASIA :

China.	Persia.
India.	Siam.
Japan.	

Five states, which had not joined at that time, are still potential members, as they may come in when they choose :

## ASIA :

Hedjaz.

## NORTH AMERICA :

Honduras.	United States of America.
Nicaragua.	

## SOUTH AMERICA :

Ecuador.

Of these, the United States is the only Power which has definitely refused to approve the Covenant, although it seems probable that the action of Honduras, Nicaragua, and perhaps Ecuador, will follow that of the United States. In addition to these states, there remain outside the membership of the League, the five Central European Powers :

Austria.	Hungary.
Bulgaria.	Turkey.
Germany.	

and other countries which, for various reasons, have not yet been invited to join :

Albania.	<i>Iceland.</i>
Abyssinia.	<i>Lichtenstein.</i>
Andorra.	<i>Luxemburg.</i>
<i>Costa Rica.</i>	Mexico.
Dominican Republic.	

#### RUSSIA :

<i>Armenia.</i>	<i>Georgia.</i>
Azerbaijan.	<i>Latvia.</i>
<i>Esthonia.</i>	<i>Lithuania.</i>
<i>Finland.</i>	<i>Ukraine.</i>
<i>San Marino.</i>	
<i>Monaco.</i>	

## POPULATION OF LEAGUE STATES

Argentine Republic . . . . .	7,092,000	
Australia . . . . .	4,455,000	
Belgium . . . . .	16,428,000	
Bolivia . . . . .	2,268,000	
Brazil . . . . .	23,414,000	
British Empire (excluding the Dominions and India) . . . . .	99,162,000	
Canada . . . . .	7,207,000	
Chili . . . . .	3,249,000	
China . . . . .	320,650,000	
Colombia . . . . .	5,103,000	
Cuba . . . . .	2,150,000	
Czecho-Slovakia . . . . .	13,800,000	
Denmark (excluding Iceland) . . . . .	2,816,000	
France . . . . .	91,918,000	
Greece . . . . .	4,821,000	
Guatemala . . . . .	1,992,000	
Haiti . . . . .	2,030,000	
India . . . . .	315,156,000	
Italy . . . . .	35,783,000	
Japan . . . . .	66,072,000	
Liberia . . . . .	1,500,000	
Netherlands . . . . .	53,954,000	
New Zealand . . . . .	1,008,000	
Norway . . . . .	2,358,000	
Panama . . . . .	337,000	
Paraguay . . . . .	900,000	
Persia . . . . .	9,500,000	
Peru . . . . .	4,500,000	
Poland . . . . .	25,000,000	
Portugal . . . . .	15,290,000	
Roumania . . . . .	17,500,000	
Salvador . . . . .	1,161,000	
Serb-Croat-Slovene State . . . . .	12,000,000	
Siam . . . . .	6,250,000	
Spain . . . . .	20,581,000	
South Africa . . . . .	5,973,000	
Sweden . . . . .	5,522,000	
Switzerland . . . . .	3,753,000	
Uruguay . . . . .	1,178,000	
Venezuela . . . . .	2,664,000	
Mandate Territories . . . . .	12,065,000	
Total . . . . .	1,228,560,000	c
Total—League States . . . . .	1,228,560,000	74%
„ Outside the League (est.) . . . . .	423,552,000	26%
TOTAL . . . . .	1,652,112,000	100%

NOTE.—Figures in majority of cases from *Annuaire International de Statistique* for 1910.

# THE STRUCTURE OF THE LEAGUE

## AREA OF LEAGUE STATES

Argentine Republic . . . . .	1,136,000
Australia . . . . .	2,975,000
Belgium . . . . .	924,000
Bolivia . . . . .	708,000
Brazil . . . . .	3,291,000
British Empire (excluding the Dominions and India) . . . . .	2,705,000
Canada . . . . .	3,730,000
Chili . . . . .	290,000
China . . . . .	4,277,000
Colombia . . . . .	462,000
Cuba . . . . .	44,000
Czecho-Slovakia . . . . .	56,000
Denmark (excluding Iceland) . . . . .	853,000
France . . . . .	4,262,000
Greece . . . . .	42,000
Guatemala . . . . .	48,000
Haiti . . . . .	10,000
India . . . . .	1,803,000
Italy . . . . .	776,000
Japan . . . . .	260,000
Liberia . . . . .	37,000
Netherlands . . . . .	791,000
New Zealand . . . . .	104,000
Norway . . . . .	125,000
Panama . . . . .	32,000
Paraguay . . . . .	172,000
Persia . . . . .	628,000
Peru . . . . .	722,000
Poland . . . . .	65,000
Portugal . . . . .	843,000
Roumania . . . . .	115,000
Salvador . . . . .	13,000
Serb-Croat-Slovene State . . . . .	97,000
Siam . . . . .	195,000
Spain . . . . .	336,000
South Africa . . . . .	473,000
Sweden . . . . .	173,000
Switzerland . . . . .	16,000
Uruguay . . . . .	72,000
Venezuela . . . . .	394,000

Mandate Territories . . . . .	1,026,000
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Total . . . . .	35,081,000
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Total—League States . . . . .	35,081,000	63%
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„ Outside the League (est.) . . . . .	20,419,000	37%
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TOTAL . . . . .	55,500,000	100%
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NOTE.—Figures in majority of cases from *Annuaire International de Statistique* for 1910.

Some of these countries, however—the thirteen in italics—have already applied for admission to the League ; and before concluding a geographical survey of this kind, mention should be made of those parts of the world not belonging to any Member State, but which are directly administered, in some degree at least, by the League itself :

1. Territory of the Saar Basin,
2. Free City of Danzig,

and it should not be forgotten that the districts held under a mandate have a special status of a semi-international character.

#### THE NEW WORLD ALIGNMENT

This analysis is of no small significance. It indicates the biggest world union ever brought about. More than half the recognised Governments of the earth have solemnly pledged themselves to a foreign policy of tremendous importance for the future of mankind, having agreed in principle on certain bases of international relationship, especially as far as the settlement of difficulties with other states are concerned.

Not only does the League represent at least two-thirds of the world's independent governments, it includes considerably more than half the area and three-fourths of the population of the globe, as the tables on the adjoining pages indicate. (Certain other statistical data comparing the group of League states with those outside the League will also be found in the Appendix.)

#### CENTRAL POLITICAL MACHINERY

In and of itself the League has no vitality. It is a piece of political machinery capable of just as much or of just as little development as the member states wish to give it.

Its action is effected through the instrumentality of three main organs :

## THE STRUCTURE OF THE LEAGUE

1. The Assembly.
2. The Council.
3. The Secretariat.

The first two consist of representatives of Members of the League, and, generally speaking, these bodies alone have the power to *act*. Delegates to the Assembly and the Council, however, have only as much liberty of action as their respective governments wish to give them, and the meetings of these bodies do not represent in the most effective way the strength of the League, except when the heads of Governments themselves sit as representatives of their own States. Every one, however, is not in favour of this plan, for it is frequently contended that if prime ministers are to attend meetings of the Council and the Assembly with any regularity, these bodies will become subject to the sordid influence of party politics and lose the confidence of the people. Whether party bodies who have secured control of the Government can be trusted to view international questions in an international way when sitting as Council and Assembly Members remains to be seen.

But, whoever the representatives at these gatherings may be, it may be said that in general the Assembly bears some resemblance to the legislative body and the Council to the Cabinet of a Nation. The Assembly, which meets for the first time in November, 1920, at Geneva, consists of not more than three representatives of each Member of the League, and the Council, which held six meetings during the first half of 1920, has eight Members (with a ninth place reserved for the United States) drawn from both the large and small Members of the states belonging to the League.

### THE ASSEMBLY

The Assembly signifies the co-operation of all Members in the common work. The League could not exist for long without the moral and material sanction which such a gather-

ing alone can give. In comparing the Assembly with such a body as the Congress of the United States, it should be noted that the Assembly bears a closer resemblance to the Senate, as originally constituted, than to the House of Representatives, for the Members of the Senate until 1913, and the Members of the Assembly now, are appointed by the States and receive no direct mandate from the people. It is interesting to notice, however, that a movement with considerable force has already been started for the direct election of representatives to the Assembly of the League. It took 125 years to bring about such a change in the American Constitution, but it will, perhaps, not be surprising if the Assembly of the League becomes somewhat more closely related to the people before 2045.

Just as the Senate was organised to satisfy the fears of the smaller American States and to give them equal recognition with the large, so was the Assembly constituted with special regard for the rights and the equality of each and every separate Member of the League. This great world gathering cannot act on important questions (with one or two exceptions) unless the agreement of Haiti as well as of Great Britain be secured. Each State preserves its independent right of action, so that Norway is much safer as a Member of the League than is Rhode Island as a Member of the American Union.

Although the analogy between the Parliament and the Assembly can easily be carried too far, it is interesting to note that the Assembly has considerable control over the central machinery of the League. The Assembly alone can admit new Members to the Society of Nations, and, although it does not dictate the entire composition of the Council, it absolutely controls the appointment of 4 out of the 8 Members, and no fundamental change in the size or character of the Council can be made without its consent. The Secretariat, too, comes under the control of the Assembly, as the latter must approve the appointment of the Secretary-General,

and as the Council has established the precedent of submitting the League Budget, which maintains the Secretariat, to the larger gathering of Members.

The weakness of the League in its early days was due in large part to the fact that no meeting of the Assembly had been held. In many ways the International Labour Organisation was able to lead the field in international activity, because at the Conference held in Washington in October and November, 1919, members had an opportunity to take part in the deliberations and participation in the decisions of the Organisation. After the Assembly meets in the fall of 1920, the Council, the Secretariat, and all the Commissions, Bureaux, etc., attached in some way or other to them, should feel that they have secured, in truth, the actual support of the larger part of the entire world.

It is not easy to forecast the first session of the Assembly, but it is reasonable to suppose that it will consider most of all great questions of international policy, disarmament, protection and welfare of backward races, the formation of an International Court of Justice, and the creation of international organisations in various special fields, such as health and transit. The opportunity for the Assembly to deal with international affairs is practically unlimited, as the Covenant states that it "may deal at its Meetings with any matter within the sphere of action of the League or affecting the peace of the world." Here are some of the problems awaiting the attention of the First Session :

#### *Assembly Programme*

Administration in the Saar Basin and Danzig.

Admission of new States to the League.

Armaments Commission.

Budget of the League.

Composition of the Council.

Consideration of Report on Council Activities.

Consideration of Report on Secretariat.

Plans for International Court.

Establishment of Permanent Health Organisation.  
 Establishment of Permanent Transit Organisation.  
 Mandate Territories, and their Administration.  
 Recommendations of the Financial Conference.  
 Use of the Economic Weapon of the League.  
 Co-ordination of Statistics.  
 Uniformity in Coinage, Weights, and Measures.  
 Supervision of the Liquor Traffic in Africa.  
 Supervision of Trade in Arms and Munitions.  
 Supervision and Regulation of Traffic in Women and Children.  
 Supervision and Regulation of Traffic in Opium and other  
 dangerous Drugs.

#### RELATIONS BETWEEN COUNCIL AND ASSEMBLY

Reference was made above to the similarity between the League Assembly and Council on the one hand, and the National Parliament and the Cabinet on the other. We have already seen that this analogy in the case of the Assembly cannot be applied very strictly. It should also be pointed out that relations between the Assembly and the Council differ radically from relations between Parliament and Cabinet. To a very large extent the Council and Assembly of the League are independent bodies; either "may deal at its Meetings with any matter within the sphere of action of the League or affecting the peace of the world." Naturally the Assembly will not meet oftener than once a year, and it is to be expected that the Council will transact current business, and attend to matters which admit of little delay. Questions, however, requiring a wide range of discussion and demanding the general support of all States would ordinarily be referred to the larger gathering.

#### THE COUNCIL

To indicate what a range of questions the Council may properly act upon, it will perhaps be sufficient to list some of the most important problems of world interest on which the Council has already taken action :

## COUNCIL ACTIVITIES

*Permanent Administrative Appointments*

1. High Commission at Danzig.
2. Governing Commission of the Saar Basin.

*Permanent International Bodies*

1. Committee on Court of International Justice.
2. Committee and Conference on Transit and Communications.
3. International Financial Conference.
4. International Health Conference.
5. Permanent Armaments Commission.
6. Advisory Statistics Commission.

*Special Appointments*

1. Officer to watch regulation of White Slave Traffic.
2. Commission of General Enquiry into Russia.
3. Commissioners to direct Anti-Typhus Campaign in Poland.
4. Official to supervise repatriation of Prisoners from Siberia.
5. Members of the Delimitation Commission for the Saar Basin.

*Consideration of International Disputes*

1. Bolshevik attack on Persia.
2. The Aaland Islands Difficulty.
3. Polish and Lithuanian Affair.

*Guarantee of Treaty Conditions*

1. Minorities in Poland.
2. Minorities in Turkey.

Now the Assembly also might quite properly consider any of these questions, so that the whole problem of relationship between these two bodies is a very delicate one, especially because, as has been pointed out, the Assembly was intended to be the strength of the small states, and the Council the principal seat of power of the great nations.

## THE COUNCIL

Although the Great Powers may outnumber the smaller

around the Council Table, they possess no authority to force action against the will of their less powerful neighbours. The four small States represented on the Council and the four Great Powers must all come to a common agreement before any decision can be taken on matters of importance.

At present the Council ordinarily consists of the representatives of the four Principal Allied Powers : Great Britain, France, Italy, Japan—and four small States chosen arbitrarily by the Peace Conference : Belgium, Brazil, Greece, and Spain. The composition of the Council is, however, subject to change in many ways. The United States may send a representative at any time after ratifying the Treaty of Versailles. The Assembly may decide to enlarge the size of the Council, and it may also appoint other States to replace Belgium, Brazil, Greece, and Spain as Members of the Council. Finland, Persia, Poland, and Sweden have already sent representatives to the Council to sit as Members during the consideration of matters especially affecting their interests. Article 4 of the Covenant gives this right of representation to any member of the League under similar circumstances, and the Council at its July 1920 meeting in London gave this privilege to Finland though not even a member of the League.

During the first six Council Sessions at least half the representatives present at each Meeting were members of the Diplomatic Service of their respective countries. Two or three Members of Cabinets were usually present, and an occasional Prime Minister attended. Practically all the representatives had had long experience in political affairs. Although a group averaging well over fifty years of age on every occasion, they almost always held two or three meetings of several hours, daily, during a strenuous session covering a period averaging two or three days.

A series of private meetings for the preliminary discussion of questions on the Agenda generally precedes the public session at which all decisions are taken. So far as possible, documents to be considered at any session are circulated to

Members of the Council by the Secretary-General just in advance as possible. Questions coming up have, fore, received considerable attention before the Councilings, and a particular Member has been designated to the discussion on each item on the Agenda, and the same ber usually makes the final report on that subject at the c meeting. By way of illustration there is reprinted v a list of the Council Members who attended the Second on held in St. James's Palace in February, 1920, with the acts upon which each Member reported :

BRITISH EMPIRE. The Rt. Hon. A. J. Balfour (President),  
Member of the Cabinet.

*Admission of Switzerland to the League.*

BELGIUM. His Excellency M. Paul Hymans, Minister of Foreign  
Affairs.

*Appointment of Danzig High Commissioner.*

BRAZIL. His Excellency M. Gastao da Cunha, Ambassador in  
London.

*Creation of International Health Bureau.*

CANADA. His Excellency M. Léon Bourgeois, President of the  
Senate.

*Organisation of International Court.*

GREECE. His Excellency M. Demetrius Caclamanos, Minister in  
London.

*Appointment of Saar Basin Governing Commission.*

ITALY. M. Maggiorino Ferraris, Minister of Commerce and  
Labour.

*Order of Procedure for Council (Postponed).*

JAPAN. His Excellency M. Matsui, Ambassador in London.  
*Guarantee of Polish Minorities Treaty.*

MEXICO. His Excellency M. Quiñones de León, Ambassador in  
Paris.

*Advisory Transit Commission.*

No permanent Chairman was elected during the early days

of the Council, and the representative of the country in which the session was held was honoured with the presidency for the time being ; nor were definite rules of procedure adopted until the meeting in Rome in May, 1920. These rules provide for the election of a permanent chairman and vice-chairman, who are to hold office for one year and who will be ineligible for re-election. They provide in detail also for the calling of Council meetings which require a majority of the regular members to make a quorum, and for the preparation of the Agenda. Ordinarily, subjects for consideration will be brought to the attention of Council Members two or three weeks before the meeting at which they are to be discussed, and no subject can be brought up and considered at any session unless a majority of the members present approve this course, and even then no action can be taken until forty-eight hours after a report on the question has been made. A secret ballot is required for the appointment of individuals to office, but in general the Council has declared strongly in favour of publicity. Article V. deserves to be quoted in full :

*Article V.*—Unless the Council decides to the contrary, the reading of the reports presented by the Reporters, the final discussions, and the voting on the resolutions which have been proposed, shall take place at public meetings. The Council will sit in private for the preliminary discussion of the items on the Agenda.

Every item on the Agenda shall be reviewed and put to the vote at a public meeting, unless the Council decides otherwise.

If the Paris Peace Conference had adopted some such programme, it is quite possible that it might have succeeded in commanding more continued support from the world. It is to be hoped that the Council will never, except in cases of clear necessity, depart from the fundamental principle contained in this Article.

Between the sessions of the Council, the President is charged with such duties as would ordinarily be conferred

upon a presiding officer possessing no executive powers. Among other things, he is usually authorised to draw up, in consultation with the Secretary-General, the Agenda for the next meeting. He is not, however, authorised to act for the Council except as he is delegated in specific cases. The broad general powers of the Assembly and the Council lapse, therefore, when these bodies are not in session, and they meet only at irregular intervals.

### THE SECRETARIAT

The Secretariat is the only one of the three main central organs of the League which is continually functioning. At its head is Sir James Eric Drummond, K.C.M.G., C.B., who officially assumed office (as Secretary-General of the new organisation) on January 10, 1920, the day the League came into existence. He had, however, set up temporary headquarters at Sunderland House, London, early in the summer of 1919. This was done under the authority of the Peace Conference, which at that time anticipated the entry into force of the Treaty in a few weeks, and wished to have all the machinery ready to function. Sir Eric had also been given the power to appoint a provisional staff of technical and administrative assistants, so that the League might start life with preliminary problems understood and with plans ready for any action which might be required.

The Secretariat, which is to be permanently established at Geneva, has increased rapidly since then, and to-day includes recognised experts in Law, Health, Colonial Administration, Diplomacy, Finance, and Journalism, drawn from eighteen different countries :—

#### AMERICA :

Canada.

United States.

#### ASIA :

Japan.

## AUSTRALASIA :

Australia.

## EUROPE :

Belgium.

Czecho-Slovakia.

Denmark.

France.

Great Britain.

Greece.

Italy.

Netherlands.

Norway.

Poland.

Serb-Croat-Slovene State.

Spain.

Sweden.

Switzerland.

The Secretariat is not a political body like the Council and the Assembly. A large part of its work is similar to that falling to the lot of the administrative offices of every government in the world. Its members have been chosen almost entirely on account of their ability in special fields, for the work of the Secretariat includes the gathering and sifting of information, the continual planning of a programme for League action, the preparation of reports, and the drafting of suggestions and recommendations for the Council and the Assembly, as well as the constant maintenance of liaison with a large number of organisations, commissions, and officials, more or less closely related to the main organs of the League. Every attempt has been made to create as truly an international atmosphere as possible for the Members of the Secretariat who are charged with these varied duties. These members of the Secretariat are *bona fide* League officials, for they do not in any way represent the countries from which they come, although in making his selection Sir Eric has attempted to draw experts from as many parts of the world as possible. They are appointed by the Secretary-General, with the approval of the Council for a period of five years, and during their term of office they are not allowed to accept any honour or decoration (except for services rendered prior to their appointment).

The Secretariat has been given as flexible an organisation

as possible. No attempt has been made to set up a permanent bureaucracy, and the plan has been to build up a skeleton organisation capable of expansion or retraction as the situation at the moment might demand.

A large part of the work of the Secretary-General and his staff consists in maintaining adequate liaison for the Council and Assembly with the various technical organisations, commissions, and officials appointed by or closely related to the League. It is not an easy task to define the relationship existing between such technical organisations as the Health and Transit bodies and the Council and the Assembly, although the Council of the League at its meeting in Rome in May, 1920, agreed upon the following principles to serve as a guide :

*(a) The interior working of the various technical organisations should be independent.*

They will prepare their own Agenda and indicate it to the Council of the League before discussion thereon takes place.

*(b) Their relations with the members of the League should be under control.*

Before any communication of the results or proposals of the technical organisations is made to the Members, and before any action concerning a Member is taken, the Council of the League must be immediately informed, in order that it may be able to exercise its power of control if necessary.

One thing, however, has been definitely settled, subject to the approval of the Assembly, and that is that the Secretariats of these various technical organisations "must in all cases be administered by the Secretary-General of the League."

With this relationship clearly in mind, a rapid survey of the internal organisation of the Secretariat may prove instructive and interesting.

Broadly speaking, it comprises three main divisions : the general Secretariat, the technical sections, and the administrative departments.

## THE CHIEF OFFICIALS

The Secretary-General himself decides all large questions of policy. He may well be called a servant of all nations and of all groups of society. One minute he may be considering the demand of Persia for an immediate meeting of the Council to consider an attack by the Bolsheviks, and at the next he may be appointing the Secretary-General for the Committee of jurists called together to form plans for an international court. His is a tremendous task, and the world is fortunate in having as the first Secretary-General of the League of Nations a man so well-equipped for such varied duties as is Sir Eric Drummond. As Private Secretary from 1912-1919 successively to Mr. Asquith, Lord Grey, and Mr. Balfour, he had an opportunity for the broadest possible contacts, and his ability to act effectively under pressure must have been tested frequently.

Several Under-Secretaries-General have been appointed to represent the Secretary-General himself on missions of special importance, to take over special tasks as they arise, and to act in place of the Secretary-General when necessary. M. Jean Monnet, who did effective work on inter-allied economic boards during the War, is Sir Eric's First Deputy. M. Monnet acted as Secretary-General of the International Finance Conference at Brussels. Raymond B. Fosdick served as Under-Secretary-General until the embarrassment caused by America's failure to ratify the Treaty led him to resign. Before leaving the Secretariat, however, he had already represented the Secretary-General at the first International Labour Conference held in Washington in the fall of 1919. Dr. Nitobé, the well-known Japanese publicist, has charge of the relations with the various International Bureaux, including those referred to in Article 24 of the Covenant. It has been stated that there are about sixty public and almost five hundred private International Associa-

tions which come within his general sphere. Commendatore Anzilotti, formerly Professor of International Law at the University of Rome, took up his first special work as Secretary-General of the Committee of Jurists, which met at The Hague in June, 1920, to form plans for an International Court of Justice.

### THE TECHNICAL SECTIONS

Ten technical sections have been set up—at least on a skeleton basis. Each fully constituted section is composed of a director and several “members of section,” with such additional staff as may be required.

One of the first sections to begin work was that which handles relations with such Administrative Commissions as that governing the Saar Basin, and considers the great variety of questions arising out of the guarantee by the League of provisions inserted in several Treaties for the purpose of protecting the rights of Minorities. A Norwegian lawyer, with large experience in commercial and political affairs, is at the head of this section.

Next in the alphabetical list comes the Economic and Finance Section, which was largely concerned with the planning work for the International Financial Conference at Brussels, and with the organisation of an advisory committee for the co-ordination of statistics. This section, first under the leadership of Mr J. A. Salter, now Secretary-General of the Reparations Commissions, and later under the direction of another able British economist, has spent much time in preparing for the establishment of a permanent Economic and Financial Organisation for the League.

Relations with the public and the press are the special charge of the Information Section, which is under the directorship of a prominent former correspondent of the *Paris Temps*. This is by far the largest section of the Secretariat, and includes Members drawn from almost every part of

Europe. Among other things it publishes the *Official Journal* of the League.

The Section on International Bureaux is under the direction of an Under-Secretary-General. His work has already been mentioned.

The Legal Advisors to the Secretary-General are drawn from America, Belgium, England, Holland, and Sweden, and a most fascinating field of activity is theirs. The Covenant itself created, to an enormous extent, new bases for decisions in international law. This section, under the guidance of an eminent Dutch jurist, is called upon to advise on a very large percentage of the problems arising for the consideration of the Assembly, the Council, and the Secretary-General.

The registration of Treaties is a task entrusted directly by the Covenant (Article 18) to the Secretariat, and a special Treaty Registration Bureau with a Spanish lawyer as Treaty Registrar has been attached to the Legal Section. A detailed plan broad enough to cover the registration of practically every international agreement, whether between Members of the League or not, has been approved by the Council of the League.

Complications of one kind and another have prevented an early inauguration of the Mandates programme outlined in the Covenant, but one Member of Section has been following this problem for many months. When a permanent Mandates Commission is once established, there will be, doubtless, much liaison work for the section of the Secretariat charged with the responsibility of keeping an eye on the status of backward races in certain of the former possessions of Germany and Turkey.

The Political Section has an enormous range for its activities, as the maintenance of a central office for the Intelligence service of almost the entire civilised world is no small task. The Secretariat is, therefore, fortunate in having as Director of this section the general interpreter at the Paris Peace Conference—the man who was more constantly in touch

with the inner councils of the heads of Governments than any one else.

Such problems as arise because of relations with the Red Cross and in connection with the supervision of the regulation of the White Slave Traffic are handled by the section on Social Questions. This section, too, was most instrumental in arranging for the International Health Conference held in London in April, 1920, and for establishing the permanent International Health Organisation which grew out of that meeting. A British woman of wide administrative experience with the Red Cross during the War has been in charge of this work.

Another section, that on Transit and Communications, has also been active in establishing a permanent International Organisation of Specialists in its own field. Although consisting of only one active member, this section maintained intimate relations with the Advisory Commission on Transit and Communications (with a membership drawn from all the principal European countries) which met in Paris during 1919-1920. This section will also do much of the planning work for the first International Transit Conference to meet shortly after the first session of the Assembly.

### THE ADMINISTRATIVE DEPARTMENTS

The Administrative Departments are six in number: Finance, Library, Registry, Establishment, Interpreting and Translating, Precis Writing. As is evident from these designations, most of the departments were established for the internal administration of the Secretariat. They do not confine themselves, however, to maintaining services for the Secretariat proper alone, as various auxiliary organisations, such as the International Labour Office, the Health Conference, etc., frequently call upon them for assistance. The Chiefs of these departments include an American, a Canadian, an Englishman, a Frenchman, and a Swiss.

The Financial Administration deserves special mention, for many false reports regarding the finances of the League have been spread abroad, and the question of financial control is always a fundamental one in any Organisation.

The Covenant provides that the Members of the League, in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union, shall bear the expenses of the Secretariat and also the expenses of such other bureaux and commissions (among those which have been placed under the direction of the League) as the Council may determine. The method of apportionment provided for in the Covenant has not worked out very satisfactorily, as a glance at the following tabulation showing the original assessment on the Members of the League will indicate.

PLAN OF APPORTIONMENT FOR LEAGUE EXPENSES UP TO  
MARCH 31, 1920. (FIRST FISCAL PERIOD)

Australia . . . . .	£16,234
British Empire . . . . .	16,234
Canada . . . . .	16,234
France . . . . .	16,234
India . . . . .	16,234
Italy . . . . .	16,234
Japan . . . . .	16,234
Poland . . . . .	16,234
South Africa . . . . .	16,234
 Spain . . . . .	 12,988
 Belgium . . . . .	 9,740
Brazil . . . . .	9,740
Netherlands . . . . .	9,740
Roumania . . . . .	9,740
Sweden . . . . .	9,740
Switzerland . . . . .	9,740
 Czecho-Slovakia . . . . .	 6,494
Denmark . . . . .	6,494
Norway . . . . .	6,494
Portugal . . . . .	6,494
Serb-Croat-Slovene State . . . . .	6,494

PLAN OF APPORTIONMENT (*continued*).

Argentina . . . . .	£3,247
Chili . . . . .	3,247
Colombia . . . . .	3,247
Greece . . . . .	3,247
Peru . . . . .	3,247
 Bolivia . . . . .	 1,948
Cuba . . . . .	1,948
Ecuador . . . . .	1,948
New Zealand . . . . .	1,948
Guatemala . . . . .	1,948
Panama . . . . .	1,948
Paraguay . . . . .	1,948
Persia . . . . .	1,948
Salvador . . . . .	1,948
Siam . . . . .	1,948
Uruguay . . . . .	1,948
Venezuela . . . . .	1,948
 Hedjaz . . . . .	 648
Liberia . . . . .	648
 Total . . . . .	 <u>£297,677</u>

NOTE.—Up to August 1, 1920, all except eighteen of the forty States, from whom contributions were expected, had paid in full.

Clearly a system which demands from Great Britain and Poland an equal share in the expenses of an International enterprise is unfair. The Council has already taken steps to remedy this situation, but a thorough investigation into the facts of the case is necessary, and to judge by the experience of the United States, with its written Constitution, it will doubtless take considerable time to amend the Covenant. An indication as to the purposes for which League funds are used will be obtained by reference to a summary of the expenditures made by the Financial Administration from the time the provisional Secretariat was organised in the summer of 1919 until March 31, 1920. This statement will be found on the following page.

EXPENDITURES MADE BY THE FINANCIAL ADMINISTRATION OF  
THE SECRETARIAT OF THE LEAGUE OF NATIONS UP TO MARCH  
31, 1920. (FIRST FISCAL PERIOD)

*For the International Secretariat :*

Salaries . . . . .	£60,880 <sup>1</sup>
Travelling Expenses . . . . .	7,528
Expenses of Council Meetings . . . . .	85
Maintenance of Establishment in London . . . . .	5,323
Miscellaneous Office Expenses . . . . .	3,094
Official Gazette . . . . .	105
Legal Expenses . . . . .	127
Exchange Losses . . . . .	395
Bank Loan Interest . . . . .	279
Depreciations . . . . .	137

*For other Purposes :*

International Labour Office—	
Running Expenses . . . . .	13,713
Washington Labour Conference . . . . .	17,991
Labour Office (Organising Expenses) . . . . .	3,603
International Financial Conference . . . . .	13
Russian Mission . . . . .	91
<hr/>	
Total . . . . .	<u>£113,364</u>

<sup>1</sup> In all cases figures are given to the nearest pound.

Thus ends our survey of the beginning of a great permanent Public Service representing the entire world—the International Secretariat. But, as has been shown, the Secretariat is not the League. It has no power to act, it can only advise and recommend. It does, however, form a body which is constantly in touch with the varied activities of the League, and it centralises the administration of those funds which are drawn from all the members for the support of the Secretariat itself and other international bureaux and commissions.

•   •

### SERVICES IN THE FIELD

Let us look for a moment at the scope and variety of the League's activities in the field. Let us look at the machinery already set up or in process of formation for the effective management of world affairs which require more than the attention of the Assembly, the Council, and the Secretariat. Some of these other organs of the League are :

*For General Government :*

International Court of Justice.  
High Commissioner at Danzig.  
Saar Basin Governing Commission.

*In Special Fields :*

International Labour Organisation.  
International Health Organisation.  
International Financial Conference.  
Advisory Transit Commission.  
Advisory Statistics Commission.  
Permanent Armaments Commission.

And these are not all, for the Covenant requires the creation of one other :

Mandates Commission,

and it is altogether possible that special bodies will be set up to supervise for the League certain other subjects given under its care in Article 23 :

White Slave Traffic.  
Traffic in Opium and other Drugs.

Again, as has been pointed out in the preceding pages, the League, even in its early days, refusing to confine activity to the unescapable prescriptions of the Covenant and the Treaty, took upon itself other tasks of a temporary character requiring the appointment of agents for such duties as The Campaign against Typhus in Poland.

And last, but not least in number, may be recounted the array of international bureaux established by general treaties which are to be placed under the direction of the League, if the contracting parties in each case consent. Among these bureaux are :

Universal Postal Union.

Latin Monetary Union.

Sugar Union.

International Institute of Agriculture.

International Bureau of Weights and Measures.

International Hydrographic Union.

### THE LEAGUE'S ONE GREAT POLITICAL PURPOSE

This brief survey of world activities gives some idea of the daily tasks of the League of Nations, but many people may doubt whether for such purposes alone the creation of all this new machinery is justified. That is a perfectly proper query, and the answer requires a further examination of our "source material." Let us look again then, in the first instance, at the twenty-six Articles of the Covenant. We find, to be sure, that they provide for the setting up of international conferences, commissions, and bureaux in the various fields outlined above, but we find that the Covenant is only incidentally interested in such matters. It sets up first the central machinery of the League (Articles 1-7). It then provides for disarmament (Articles 8, 9), and finally in nine separate Articles, comprising one-third of the text of the instrument, elaborates the League system for the prevention of war—the *one great object of the whole organisation*. The remaining Articles deal with a miscellaneous group of important matters—but they follow after the *pièce de resistance*. International co-operation in all fields is to be fostered, of course ; not as an end in itself, but as a valuable means for bringing about understanding between peoples, and thereby minimising the danger of international disputes and strife.

Persia was the first country to "try out" this new method for the settlement of international disputes. The day after an attack on its port of Enzeli by a Bolshevik fleet in the Caspian, the Persian Minister of Foreign Affairs demanded immediate action by the Council. The Old world was stunned. Some claimed that this was Great Britain's private affair; others said that the Council was powerless to act; and that body itself took over three weeks to get together, but the fact that they *did* meet is perhaps most significant of all, and it is much too early to pass judgment on the ability of the League to function in cases of fundamental importance which admit of no delay.

Sweden and Finland have also had recourse to this new method for the settlement of a dispute. This arose over the Aaland Islands in the Baltic Sea. Finland was in control, but the local population were largely Swedish, and representations had been made to Sweden to annex them. Great Britain called a meeting of the Council of the League of Nations to consider this situation. The Meeting was held in London in July, 1920. The Council heard representatives of the Aaland Islands, Finland, and Sweden, but was unable to decide whether the question at issue was of an international or national character. This was the principal point which was referred to an advisory commission of three jurists—M. Larnaude, Professor in the Faculty of Law, University of Paris; M. Max Huber, Councillor of the Political Department of the Swiss Government; and M. A. A. H. Struycken, Member of the Council of State of the Netherlands. This Committee met in Paris on August 3, 1920.

In the nine Articles especially referred to above we have discovered the heart of the Covenant, and we may well ask through what special organs it works.

The Assembly, the Council, the International Court of Justice, and the Secretariat were designed primarily for their part in the settlement of international disputes, and their opportunity is a glorious one. Their responsibility, too, is

tremendous. They are the chief organs of the League. They were created to fight off trouble after it had begun to accumulate, but they are all central organs, and they were created to deal with disease only after it had become dangerous. There are other instruments not enumerated in the Covenant which may some day play an intimate, all-important rôle in keeping the world body politic in wholesome condition. These instruments are national in name—but international in significance. They are the *national* Associations, services and officials appointed to co-operate with and assist the League of Nations. France has already organised a group of considerable numbers in the Ministry of Foreign Affairs, with experts in law, finance, and military matters, acting as the *Service Français de la Société des Nations*. Several countries are putting the reports of their Foreign services at the disposal of the League, and the Council has requested general co-operation from all the members in keeping the Secretariat informed of developments of general interest within their borders. A powerful, though unofficial organ in England, the League of Nations Union, constantly stimulates the Government on League of Nations questions, and serves to keep the British public intelligently informed on the activities of the League itself. The start is good, and if the spirit of the League is to permeate the chancelleries of the world, and secure their hearty co-operation, as well as the active support of the man-in-the-street, Assembly, Council, and Court will not be overloaded with cases unsolved and insoluble.

## II

### INTER-ALLIED MACHINERY IN WAR-TIME

By GEORGE RUBLEE, Delegate to Inter-Allied Maritime  
Transport Council.

BEFORE going further into a consideration of world organisation to-day and into the specific operations of the League, it is important to review the achievements of the Principal Allied and Associated Powers in the field of co-operation under the pressure of War requirements and demands. For there we shall find exactly how far sovereign states have been willing to go in co-operation to a common end, and just what difficulties lie along the road.

During the earlier years of the conflict the nations fighting against the Central Powers carried on their economic activities separately and often in competition with one another. Each made its own arrangements for the import of food and raw materials. It is true that France and Russia and Italy all looked to Great Britain for financial help and for the use of British shipping, but the requests for assistance were made independently of one another. Great Britain being in the position of donor, was the judge of how much could be spared from her own need. There was no way of comparing the urgency of the various needs. So long as there was no serious shortage this system worked well enough. But as time passed the strain on British credit became onerous, and the

inroads of the submarine produced increasing difficulty in transporting supplies. In consequence, there was a growing tendency towards misunderstandings between the Allied governments—feelings of unequal sacrifice on one side and of unequal effort on the other. In 1917 there was a great change in the situation, due to the intensive German submarine campaign and to the entry of the United States into the War. The sinkings were so alarming that it became essential that all waste of tonnage should be avoided. The United States became the chief source of Allied credit. There was hope that the building of ships undertaken on so great a scale by America would relieve the burden on British shipping. It was obvious that some method of co-ordinating the employment of Allied resources and of dealing with the economic problems of the Allies as a whole must be devised. These were the conditions which led to the creation of the Allied organisations which are the subject of this chapter.

Before describing these organisations it may be useful to clear up a possible misconception regarding them. They have been sometimes referred to as examples of international government. This is not the case. Their powers were advisory, and they had no control over the resources of the different governments. The control was a national control. Each government had requisitioned its ships, controlled prices, regulated the consumption of food, and controlled the export and import of commodities. The function of the Allied organisations was to make plans for the exercise of the national controls. It was their task to assemble the statistics and other data needed as a basis for correct decisions, to agree upon the accuracy of this information, to study it with the help of experts, and to recommend plans of action for the adoption of the several governments. Each government, however, was always free to reject any recommendation, if it was deemed contrary to the national interest. The Allied organisations, therefore, merely were machinery devised to secure effective co-operation among the nations fighting Germany for the pur-

pose of utilising their full strength, with the least waste, in carrying on the war.

### FIRST SUCCESSES—THE WHEAT EXECUTIVE

The first conspicuous instance of successful Allied co-operation was the Wheat Executive. The following passage gives an excellent account of it :

The Wheat Executive was formed in 1917 by representatives of Great Britain, France, and Italy, sitting together in London. Its function was to make a comprehensive plan for the bread-stuff supply of the Allied Nations, and to supervise the execution of the plan. The Wheat Executive proceeded in its work on very simple and sound lines—first, to ascertain the respective needs of the Allies, and then to ascertain and divide the available supply. The representative of each country presented the minimum cereal needs of his people, tabulating the rate of consumption, the home-production, and the deficit to be imported. This statement was criticised by the representatives of the other Allies, and a yearly programme of importation for all the Allied countries was outlined. Then the possible sources of supply were examined and apportioned to the programme, and the deficit shared. The programme was thus established on the firm foundation of the respective needs of the Allies.

With this programme proposed by the Wheat Executive and approved by the respective governments, that body was then in a position to go to the British Ministry of Shipping and ask for an allotment of tonnage, furnishing reasons for the request which no one was in a position to refute. Where before there had been three applicants clamorous for ships, who must be appeased, each (for the sake of safety) over-emphasising his story of starvation, there was now one request with a reasonably clear programme.

Once that programme was established, the Wheat Executive performed two other functions : it formed buying and shipping agencies in the exporting countries, which served all the Allies without competition, and simplified the system of financial credits between the Allies and the relations of the treasuries. It also kept watch over the execution of its programmes, and saw

that the supplies were shipped and received and the deficiencies fairly shared.

It must not be supposed that this system, which at the end of the War controlled a large and complex business organisation all over the world, was built up at once. No programme, however carefully made, could be more than a sound general guide; no system of division could work with entire fairness. But, on the whole, the Wheat Executive worked well, and for the cereal year September 1, 1917 to September 1, 1918, at the time when the Allied countries were nearest to starvation and the submarine campaign was at its height, the Wheat Executive performed its function with surprising success.<sup>1</sup>

The Wheat Executive and its method of working furnished the model for the Allied organisation subsequently established.

#### PROBLEMS DEMANDING GREATER CO-ORDINATION

The full development of Inter-Allied machinery for economic co-operation did not take place until 1918. The sinkings by submarines had put in peril the continuance of necessary supplies to the European Allies. Each of the countries had import programmes largely in excess of what the tonnage could carry. The failure in 1917 of the French and Italian harvests necessitated greatly increased imports of breadstuffs during the following year. There was real danger of starvation in the Allied countries, not to speak of the threatened dislocation of their military supply services. The Paris Conference, attended by delegates of the Allied governments, including the United States, met at the close of November, 1917, to consider this critical situation and to find a way of meeting the dangers it presented.

It will help towards an understanding of the action taken to consider in bare outline some of the elements of the problem before the Conference. Up to that time Great Britain had supplemented the insufficient shipping of France and Italy

<sup>1</sup> "International Co-operation during the War," by Joseph P. Cotton and Dwight W. Morrow, *Atlantic Monthly*, June 1919, p. 805.

by contributions of specified and fixed amounts of British tonnage. The total tonnage under the control of these countries, including the portion received from Great Britain, was employed for whatever purposes might seem best to them. The results had not been at all satisfactory. In each country there was pressure for the use of shipping by all sorts of interests, private as well as governmental. Every one of these interests believed its requirements to be imperative. There was no accurate information concerning the shipping resources of the Allies as a whole and their employment. In no country was there understanding of economic conditions in the others. There was a belief that somehow or other ships could be secured from some untapped reserve if the need were sufficiently urgent. The consequence was that ships were improvidently used. The provision of a block of British tonnage was no cure, for if thereafter a disproportionate amount of raw materials was carried and, for that reason, the supply of other necessary commodities, such as nitrates, or munitions, or coal, fell to a dangerous level, it was necessary at the last moment to divert cargoes or stocks of these commodities from another country. Ships were therefore often allocated not in accordance with a plan, but by panic, and sometimes by competition between panics, with all the attendant dislocation and waste to be expected.

There was also large waste of tonnage caused by voyages of unnecessary length or risk. For example, a ship loaded with wheat from India to England would pass in the Mediterranean a ship carrying wheat from America to Italy. If the Indian wheat had gone to Italy and the American wheat to England the voyage of each ship would have been shorter, and both would have avoided the exceedingly serious submarine peril of the western Mediterranean. Similarly, American tankers were carrying oil from America to China, while British tankers were bringing oil from Borneo or Sumatra to England. A change in routing so that American oil would come to England and the Far Eastern oil to China, would have

shortened the voyages and increased the efficiency of the tonnage.

It was apparent also that, as the supplies wanted far exceeded the capacity of the available shipping, an organisation was needed with a wider base than that of the shipping authorities. While the shipping authorities were competent to decide what amount of supplies could be carried from each source of origin, the decision as to what supplies should be selected for carriage ought to be made by the authorities responsible for procuring supplies.

### THE PARIS PROGRAMME, NOV. 1917

The solution decided upon by the Paris Conference was the establishment of the Allied Maritime Transport Council, and of Programme Committees covering all imported commodities, such as the Sugar Committee, Nitrates Committee, Wool Committee, etc. The objects to be attained, the form of the new organisation, and the reasons for its adoption, are given in the following extract from the official report of the Conference :

The Special Committee for Maritime Transport and General Imports of the Inter-allied Conference of Paris has decided by unanimous resolution of the delegates of the United States of America, Great Britain, Italy, and France, that it is necessary to arrange a form of co-operation between the Allies which will secure the following objects :

- (a) To make the most economical use of tonnage under the control of all the Allies.
- (b) To allot that tonnage as between the different needs of the Allies in such a way as to add most to the general war effort ; and
- (c) To adjust the programmes of requirements of the different Allies in such a way as to bring them within the scope of the possible carrying power of the tonnage available.

To secure these objects an International Board, with complete executive power over a common pool of tonnage, had been proposed, but has been rejected for the following reasons :

It would be difficult for any country, and particularly for America or Great Britain, to delegate absolute power to dispose of its tonnage (which is the basis of all its civilian and military requirements) to a representative on an International Board on which he might be outvoted. Such a Board, moreover, would not lead to administrative efficiency, partly because the complete control of all tonnage can scarcely be well concentrated in one place, and partly because representatives upon it would tend to be at once out of touch with the actual administrative executive machinery and at the same time scarcely invested with sufficient authority to make reductions in the various supply programmes, munitions, food, etc.

The problem of the allocation of tonnage is largely a problem of securing that the different requirements which make demands upon tonnage should be adjusted in the fairest and best way, and these requirements can only be so restricted by the experts in each class of commodities. It is, for instance, impossible for any except the munitions experts of the different Allied countries to deal with the restriction of the Allied munitions programme within specified limits.

The Allies are accordingly agreed :

- (a) That America, France, Italy, and Great Britain will all tabulate and make available to each other a statement showing in detail, and as nearly as possible in the same form, each class of requirements for which tonnage is needed, and secondly, the tonnage now available and likely to be available in future through new building, etc.

These requirements having been classified (showing the source of supply, etc.), and having been adjusted (1) to secure a reasonably uniform standard of adequacy both as between classes of commodities and as between countries ; and (2) to bring the total within the carrying capacity of the Allies as a whole, will form the basis on which the general allocation of tonnage will be determined. The calculation will be revised at convenient intervals in the light of losses, new building, war requirements, and other factors in the problem ; but it will be an essential feature of the scheme that subject to such periodical re-allocation each nation

shall manage and supervise the tonnage under its control.

- (b) That the neutral and interned tonnage obtained through any channel and by whatever country shall be used in such a way as to increase by an equal extent the tonnage in direct war services, the extra tonnage being allotted so far as practicable to the most urgent war need of any of the Allies. The method of allocation will be worked out later, but the principle is recognised that it is urgency of war needs and not the method by which the tonnage has been obtained that is to be the criterion.
- (c) That steps shall be taken to bring into war services all possible tonnage, such as that in South America, etc.
- (d) That control over cargoes carried shall be such as to ensure that they satisfy the most urgent war needs in respect of which the tonnage has been allotted.

To carry out (a) and (b) above, Allied bodies for the different main requirements for food, for munitions, and for raw materials will be formed on the model of the Wheat Executive, America being associated with these bodies.

It being necessary in order to obtain decisions by the respective Governments that each country shall designate one or two Ministers—the United States one or two special delegates—who will be responsible towards their respective Governments for the execution of the agreements arrived at, and who will meet in conference as Allied representatives as may be necessary from time to time, whether in Paris or in London, according to the circumstances of the case, either on their own motion or at the request of the Executive Departments, it was resolved that “for the purpose of carrying out the common policy above indicated the appropriate Ministers in France, Italy, and Great Britain, together with representatives of America shall take steps to secure the necessary exchange of information, and co-ordination of policy and effort, establishing a permanent office and staff for the purpose.”

The features of this agreement of the Allies to be particularly noted are (1) that it did not contemplate the pooling of tonnage under a single direction, but the planning of the

employment of tonnage—the plan when assented to by the governments to be carried out by the respective national shipping authorities, and (2) that the quantity of each commodity to be shipped, and its distribution among the different countries should be agreed upon by committees of experts representing the several national supply departments, with the approval of the responsible authorities in each nation.

The organisation of the Allied Maritime Transport Council, in pursuance of the decision of the Paris Conference, took place in February, 1918, and the Council met for the first time on March 11 of that year. Programme Committees were formed as rapidly as possible thereafter.

### THE A.M.T.C.

Since the Transport Council, with the Programme Committees, furnished the best example of economic co-operation among the nations fighting Germany, it is necessary to describe in some detail the organisation and its working methods in order to show how the results of that co-operation were obtained.

The Council, which consisted of two ministers each of France, Italy, and Great Britain, and two delegates of the United States, met infrequently, four times in all before the Armistice. Its authority was confined to the making of recommendations by unanimous agreement of the members. It was the duty of the members to report the recommendations of the Council to their respective Governments, and to secure, if possible, that the Governments made the decisions and took the action requisite to give effect to these recommendations.

The work of the Council was carried out by a permanent organisation in London, consisting of four national sections. The directing body was the Executive of the Council, composed of one representative of each country. Its duties were :

(a) To prepare information relevant to any question which the Council might wish to discuss at future meetings.

(b) To suggest definite proposals for the approval of the Council.

(c) To secure the necessary executive action to give effect to decisions of the Governments in accordance with recommendations of the Council.

(d) To take such executive action as was desirable and practicable in conformity with the general policy of the Council and in pursuance of the general duty of assisting in the allocation and most advantageous use of Allied tonnage by co-operative action.

Two committees, a Tonnage Committee and an Imports Committee, each composed of one representative of each of the four countries, co-ordinated the work of dealing with tonnage and import programmes.

The Tonnage Committee dealt with technical arrangements involving the co-operative use or programming of tonnage. It also obtained and made available for general use statements showing the amount and disposition of the tonnage under the control of each Ally.

The principal duties of the Imports Committee were, first, to assist the Programme Committees in preparing and presenting the information as to their programme in a uniform and suitable manner, and secondly, in consultation with the Programme Committees, to prepare a plan for the reduction of the total of the import programmes to an amount within the carrying capacity of the available tonnage, with a view to the submission of definite proposals by the Executive to the Council.

The Executive, as well as the Tonnage and Import Committees, had the assistance of the national staffs, and also of a non-national Secretariat, whose function was to serve the organisation as a whole and to co-ordinate the work of all of its parts.

### THE PROGRAMME COMMITTEES

The function of the Programme Committees was to establish

programmes of imports of all commodities into each of the four countries for the year elapsing between one harvest and the next, and to present the programmes to the Transport Council for adjustment and execution. Lack of tonnage made the rule imperative that the imports should in all cases be the minimum, consistent with the effective prosecution of the war and the maintenance of the civilian populations. The Wheat Executive was the model, and the description given above of the way in which it worked applies to all the Programme Committees. The nature of the discussion in the Committees and the basis of the mutual criticism of demands put forward by the different countries are indicated by the following statement of some of the specific points considered, taking the Wheat Executive again as an example.

- (1) Normal pre-war imports.
- (2) Normal pre-war production.
- (3) Last year's imports.
- (4) Last year's home production.
- (5) The estimates of current year's home production.
- (6) The ration allowed and the numerical strength of the armed forces.
- (7) The fixed ratio or reasonable scale of production per head of the civilian population.
- (8) The normal quantity of each food-stuff consumed per head, taking into account national idiosyncracies.
- (9) The description and quality of food normally consumed by the country.
- (10) The amount of tonnage and finance which the particular Ally can command and devote to the purchase of each article.
- (11) The existing stocks in the country.
- (12) The relative urgency of its needs.

The following extract from a report of the Executive of the Transport Council, dated September 27, 1918, is a useful statement of the working principles of the Programme Com-

mittees, and of the relation sought to be established between them and the Governments :

In order that the Allied co-operation may be effective it is necessary that the representatives of the several countries on the different Programme Committees should

(a) Produce their full programmes ;

(b) Be fully informed of their Governments' policy and be able to discuss the programme in relation to the other programmes, and, within reasonable limits assigned by their Governments, assent to modifications of the programme ;

(c) That so far as any Governments feel bound to take a different view as to their own requirements in relation to those of the other Allies, they should normally express that dissent through their representatives on the Committees and not, except in extreme cases, by dissenting later from a recommendation of the Committee to which their representatives had assented ;

(d) That in any case each Government should only make their final decision after careful consideration of the report of the Programme Committees and of their representatives on them ; and

(e) That, subject to such dissent and to the ultimate executive power over their own ships, each country should definitely declare their intention of arranging the allocation of their vessels in accordance with the general programmes of the four countries as a whole, as and so far as they may be agreed by the different representatives.

It took time to constitute the Programme Committees and get them started. Throughout the summer of 1918 the Wheat Executive and some of the other food committees were the only ones which were really functioning. This time was regarded as an emergency period, in which the national sections of the Transport Council did their best to provide working programmes to be used as a guide for the allotment of shipping with a view to keep each country above danger point. By autumn all the committees were formed, the food committees having been linked together under a Food Council, and those concerned with requirements for munitions under a Munitions Council. Had the War continued there would have

been definite agreed programmes, covering all imports, to work to during the cereal year 1918-1919. At the time of the Armistice the following Programme Committees were in existence and at work :

- |                                |   |   |
|--------------------------------|---|---|
| (1) Cereals (Wheat Executive). | } | Co-ordinated by a<br>Food Council.      |
| (2) Oil seeds.                 |   |   |
| (3) Sugar.                     |   |   |
| (4) Meats and fats.            |   |   |
| (5) Nitrates.                  | } | Co-ordinated by a<br>Munitions Council. |
| (6) Aircraft.                  |   |   |
| (7) Chemicals.                 |   |   |
| (8) Explosives.                |   |   |
| (9) Non-ferrous metals.        |   |   |
| (10) Mechanical transport.     |   |   |
| (11) Steel.                    |   |   |
| (12) Wool.                     |   |   |
| (13) Cotton.                   |   |   |
| (14) Flax, hemp, and jute.     |   |   |
| (15) Hides and leather.        |   |   |
| (16) Tobacco.                  |   |   |
| (17) Paper.                    |   |   |
| (18) Timber.                   |   |   |
| (19) Petroleum.                |   |   |
| (20) Coal and coke.            |   |   |

There was no intention to give the Transport Council control over the Programme Committees. But ships were the limiting factor, and so it was practically necessary, after the various Committees had reduced their programmes to the lowest point they deemed possible, that there should be further reduction if the total programmes called for more shipping than could be had. The Transport Council was the only body which could make the adjustment, and it did so in agreement with the Programme Committees after full discussion with their representatives. Such a result would have been impossible had not the machinery existed for focalising at a

single point of discussion and decision all the requirements and facts of an exceedingly complicated situation.

### NOTABLE ACHIEVEMENTS IN THE CRITICAL DAYS OF 1918

Just what was the problem before the Transport Council and the Programme Committees? It is strikingly presented by a statement adopted by the Transport Council at the April meeting. This statement showed that, according to the best information then obtainable, the minimum programmes of imports during the following year into Great Britain, France, and Italy exceeded the amount which could be carried by the shipping of the Allies by 8,500,000 tons. The continuous employment of 1,890,000 tons of shipping would have been necessary to make up the deficit. Moreover, it was already apparent that the effect of the German offensive would require the use of a large amount of tonnage, not allowed for in the statement, to carry British coal to France. The only remedy was to reconsider all demands on tonnage, and effect such a reduction and readjustment as to bring them within the total carrying capacity of the ships.

Throughout the summer of 1918 the strain upon tonnage grew continually more severe. In the early autumn, when there was no expectation of an early termination of the war, and the Allies were preparing to exert their greatest energies in the campaign of 1919, the prospect seemed certain that the Allied peoples would have to consent to more painful sacrifices and privations than ever before. On account of the losses from sinkings the European Allies started the new cereal year with 2,000,000 tons deadweight of shipping less than they had at the end of the previous cereal year. There were also new demands for tonnage to carry out the vastly expanded American military programme. It was planned to bring over American troops on such a scale that in June 1919 there would be in France eighty American divisions fully equipped. Towards the end of the winter new building would probably

enable American tonnage to supply this army. But in the meantime there was a lack of ships for the carriage of some 2,000,000 tons of needed supplies. Assistance could only come from the reduced British tonnage.

When the Transport Council met at the end of September the estimated total importing capacity for the ensuing year of the tonnage under the control of the European Allies was 72,500,000 tons, as compared with stated minimum requirements of over 81,000,000 tons and actual imports during the past year of about 75,000,000 tons. There was in addition the need referred to above of carrying supplies for the American army. In agreement with the Food Council, the Munitions Council, and the other Programme Committees, provisional arrangements were made to deduct 5,500,000 tons from the food programme of the European Allies, 1,000,000 tons from their munitions programme, and over 2,000,000 tons from their raw materials programme. Arrangements were also made to carry from September to December 500,000 tons of supplies for the American army in ships which would otherwise have loaded food for the European Allies. As their food programme had already been cut to the danger limit, the bread-stuffs left behind in America would be indispensable to them later in the year; but the new harvests in Europe would suffice for some time. In the spring, when the American food would be needed, there was a probability that American shipping, increased by new building, would be able to transport it without interfering with the continued supply of the American army. If this expectation were not realised, the participation of America in the Allied economic organisations gave assurance that a way could be found to modify the American military programme so as to release a sufficient amount of tonnage to transport the food.

It is impossible in a brief, dry statement of these adjustments to convey any idea of the sacrifices and risks they involved. The reduction of the food programme meant for the European Allies not merely a shortage of bread, but also

the necessity, on account of lack of food, of slaughtering the cattle. Up to the last moment the British Food Controller declared that it would not be safe to impose upon the British people the deprivations which the proposed reduction would require. The maintenance of the life and morale of the civilian populations was at stake, and no responsible official would have dared to consent to such risks without being convinced by an understanding of the whole situation that in no other way could the war be fought successfully.

An important factor in securing agreement was the certainty that the proposed plan provided for equality of sacrifice. Each Government knew what the total resources were, and what were to be the shares of each country, with the reasons which justified them. Assurance of a fair distribution powerfully strengthened willingness to endure privations in the common cause.

The close association in daily work of the representatives of the four countries on the permanent organisations counted for much in bringing about successful results. Men who were constantly meeting in a friendly and informal way came to know and trust each other. As they sat round a table the representative of each country criticised the demands of the others, and in turn listened to their criticisms. Explanations were asked for and given, and this prevented the growth of misunderstanding. The real condition in each country became known to all. The leading national representatives were in constant communication with the responsible Ministers of their Governments so that, on the one hand, the representatives generally knew about how far their Governments would be willing to go, and, on the other hand, the Governments had correct information about the situation as a whole to guide them. Decision depended so largely on fact that the finding of the fact almost inevitably made the decision.

Considering the shortness of the time allowed them the achievement of the Allied economic organisations was notable. In eight months, between the first meeting of the Transport

Council and the cessation of hostilities, there was a complete transformation of all Allied shipping and supply arrangements. A new organisation covering the whole range of imported commodities was set up and got into working order. In addition to the matters already mentioned the coal position of Italy, which at the beginning of the period was desperate, was restored, and the necessary supply maintained. An equally critical situation with regard to French coal caused by the German offensive, which stopped the working of the Pas de Calais mines and prevented the transport of coal by railroad south of the Somme, was successfully relieved. There was marked improvement in the regular flow of supplies of food and munitions. In general the import services of France and Italy were put upon a comparatively satisfactory and equal basis.

The Commission Internationale de Ravitaillement and the Inter-Ally Council on War Purchase and Finance are not described in the foregoing chapter. This is not due to a failure to appreciate the important services rendered by these bodies, but to the fact that they were not examples of true international co-operation, as were the bodies which are described, because in them the Allies did not stand on an equal footing. The Commission Internationale de Ravitaillement permitted Great Britain to apportion her surplus resources as equitably as possible among the various applicants. Similarly the Inter-Ally Council on War Purchase and Finance enabled America to apportion equitably the credit extended by her to the Allies making purchases in America.

### III

## FIRST PAGES FROM THE HISTORY OF THE LEAGUE OF NATIONS

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### I. FROM THEORY TO FACT

No institution can get far upon its way without invoking the services of history. It must take its bearings from the world of facts through which it moves. In the case of an institution so intricate and so extensive as the League of Nations this need is doubly imperative, for the historical currents in which it is cast are many and diverse. There are those which force it along with the accumulated energy long pent up by artificial barriers broken down at last by the war ; and there are cross currents and backward tides of prejudice or interest, of whose extent there can be no accurate premonition. Moving out from the world of theory into that of fact, and played upon by all the demands that politics and economics can fasten upon it, at a moment when both are disturbed by world disorganisation, it is of the first importance that the doings of the League should be registered from time to time as it goes along, in a survey which, while not attempting the premature task of appraisal, should none the less make clear to the blurred consciousness of a world confused still with the newness of things, the general purpose and scope of its endeavour.

In the days when the League of Nations was still a theory, one might discover in the somewhat bewildering number of propositions for its constitution two main currents of opinion. On the one hand there were those of the Radical tendency, who sought to bring into being something comparable to a World Government or Super-State. On the other hand there were those of more conservative temper, who, while recognising that the time had come for a new and co-operative effort among nations to prevent the recurrence of such a tragedy as that of the Great War, held that that co-operation should be strictly limited to those aspects of international relations upon which hung the issues of Peace and War.

The theories of the Radical group were many and diverse. There were those who claimed that the time had come for the bold experiment of a World Parliament, representative of the citizenship of civilised nations, and elected along lines of familiar political experience. This was advanced, not as a revolutionary idea, but as a stage in the natural evolution of States. It was claimed that the time had come for the consideration of international politics upon lines of discussion and agreement, such as every organised people had become familiar with in the course of the nineteenth century. And it was believed that by this device the League of Nations might be prevented from becoming simply a bureaucratic body, or a League of Governments. Much was said and written of the need of securing something nearer the life of the people than the old diplomatic machinery could provide, so that issues which the admittedly imperfect organisation of the past had left to the arbitrament of the sword should now be settled by peaceful discussion between nations; as the experience of the nineteenth century had shown that they might be so settled between factions at home.

This appeal for the inauguration of a World State underlay much of the thought of those whose creed in economic matters, as well as political, was sufficiently tinged with dissatisfaction at the imperfect arrangements of the old regime to be more

or less revolutionary in character ; but it was also held by a growing number of citizens in various countries, who did not think in terms of revolution, but who, as they watched the appalling catastrophe which had overtaken the old state system of Europe, felt that the time had come for applying heroic measures to the situation. In many cases, though not in all, such theorists lacked a sufficient knowledge of the complexity of the situation, or had read history not realistically but in the light of their own outlook ; so that, while to some degree aware of the daring nature of their proposition, they were undeterred by the consideration of its difficulties.

The League of Nations, as actually proposed and set up by the Treaty of Versailles, did not meet the demands of these idealists. Neither did it satisfy the more conservatively minded students of politics, who limited their aspirations to the re-establishment of international law and the extension of its sanctions, by strengthening the experiment, which had already begun, of the International Court of Justice. Provision had been made for this alternative, but not as the dominant feature of the League ; and to those who view the International Tribunal as the organism of chief importance for the revival of a healthy international life, the place which it occupies in the League has seemed slight, and its existence even endangered by its setting in the midst of other experiments which look towards more positive measures in world organisation.

It is not our intention here to take either side in the controversy as to the legitimate or possible scope of the League of Nations, nor to appraise the compromise which finally took shape in the Covenant as adopted. Since, however, that document, owing to the vagueness of outline forced upon it by compromise between the divergent points of view, left frankly for history to shape and develop the various elements which it proposed to incorporate, the study of the first pages of that history is an essential in the understanding of the League itself ; and any judgments passed upon it which neglect the

concrete data of the world of fact in which it now moves must be partial and premature. It is, therefore, with the hope of reaching an understanding both of the structure and the work of the League as experience already tends to modify or develop its activities that this introductory survey has been written—a survey not of theory but of facts.

## II. THE WORK OF THE LEAGUE

In the main the work of the League has followed the lines laid down for it in the Covenant; developing on the one hand the machinery for continued and permanent action in the judicial, political, and economic fields, and co-ordinating with this machinery the functions of those miscellaneous international bodies which come within its scope; on the other hand meeting the responsibilities of a more temporary nature imposed upon it by the Treaty of Versailles. In addition to these activities implied or sketched out in its constitution, the exigencies of a world in chaos as a result of the War have placed upon it the obligation to co-operate in ways unforeseen in Paris, in the effort to restore the basis of international relations which lie in a fuller understanding of divergent national ideals.

When at the first working meeting of the Council of the League, it took cognizance of the disordered conditions in the currency and exchange of European countries by securing an international conference of financiers, the advantages of its position for initiating co-operation in fields where purely political machinery tends to hamper rather than promote it, became evident. Similarly, the proposal which it has adopted to investigate the facts of the confused situation in Russia reveals the possibilities which the League may offer in supplying to international relations the advantages of that technical study of conditions upon which sound policy depends, the absence of which has so largely contributed to international misunderstandings in the past. Whatever the result of these

activities in averting a further extension of the calamities with which Europe is threatened, the experiment itself marks a new stage in international dealings by affording authoritative channels for the use of scientific and expert knowledge in the interests not of any one Power, but of the solution of the problems themselves.

It is too early to discuss the question as to the effectiveness of the League in applying the Treaty. But the extent to which it has so far met its obligations as they have arisen is already a matter of history. Its Commissions are already in charge of such difficult administrative problems as are involved in the government of Danzig and the Saar Valley, and it has prepared plans for international routes of trade in Europe essential for the recovery of economic life on the Continent under the new State system which the Treaty has inaugurated, by an exhaustive study of the engineering, commercial, and political elements of the problem. Such matters as these, and the work of the International Labour Office, while perhaps lacking the wider interest of political questions, are none the less of vital importance.

In addition to this work, much of which cannot yet reveal its possibilities, but which is implied in the purposes of the League as laid down in the Covenant, there seems to be arising already a significant development of machinery not touched upon in that document, but which may prove of fundamental importance in securing consistent international policies and providing for their execution. This element, which had not been formally provided for, finds its clearest expression in the system of recurring periodic conferences, furnishing something like functional and limited Parliamentary organs for specific international fields. Although it is too early to gauge the vitality of this device for international initiative and legislation, it is time, however, to fix our attention somewhat upon the fact itself and to realise it as a consistent part of the structure of the League. This is possible only by a short survey of the situation as a whole.

### III. THE COURT OF INTERNATIONAL JUSTICE AND THE RE-ESTABLISHMENT OF INTERNATIONAL LAW

The chief criticism of the Covenant on the part of students of international law was that it had left the constitution of a Court of International Justice, to which precedent had pointed as the essential kernel of the whole arrangement, undefined and its place but vaguely indicated. What seemed a difficulty, however, may prove to be an advantage, for the erection of that Court is not to be conditioned by questions of political expediency which the Peace Conference was bound to consider. It is to be left largely to the jurists themselves to create, basing the work freely and safely upon the experience of the past, unhampered by temporary and conflicting prejudices. The Court was called into existence on February 13 last at a solemn session of the Council of the League held in the Palace of St. James by the nomination of its members. No more distinguished group of jurists has ever been called together in international conference; and in their hands may be left with confidence not only the erection of an adequate tribunal for international justice, but also the consideration of a restatement in authentic form of the rules of international law.

The work of this international judiciary brings to the fore that most fundamental of all questions of the League, the prevention of war. It is true that in some respects it presents at first sight a negative rather than a positive aspect, but its activities, if the League is to be at all effective, are fundamental, and its function as supreme arbiter none the less august. A Court of International Justice limited in its interests to the disputes which seem to threaten the peace of the world, and powerless to prevent those policies from arising which bring such disputes into existence, has seemed to the non-legal mind a relatively futile instrument of world pacification. But, as has already been cogently pointed out,

unless international law can be re-established and its precepts safeguarded by an authoritative Court capable of applying adequate sanctions, international relations would be established merely upon the basis of expediency, and so drift from point to point into an anarchic future where goodwill could count for little against a contradictory and confusing practice. It will be the province of the jurists to insist upon rules of international conduct founded upon principle as against expediency. Viewed in this light the judicial elements of the League of Nations reveal large positive contributions which may prove to be fundamental in the hour of crisis.

It may be that some States may choose to limit their participation in the League of Nations to this line of action, at least until the mechanism for the more positive measures in the political and economic spheres shall have justified themselves and developed and tried the instruments which must be forged for their use.

#### IV. THE MACHINERY OF THE LEAGUE ; RECURRING PERIODIC CONFERENCES

It is unnecessary here to review the organisation of the Council and the Secretariat, with their dependent Bureaux and Commissions, for these are sufficiently known through descriptions in the daily press. But a word may be devoted to that less tangible aspect of international politics for which the Covenant provided the body known as the Assembly of the League.

As the Assembly has not yet met, any opinions concerning its capacity or effectiveness are merely matters of theory. Those who have looked to the League as capable of developing a representation of nations rather than of governments, have built much upon the possibilities of an International Parliament. But its limitations are as great as its opportunities. A body too large to adjust itself quickly to pressing matters of policy upon which hang the issues of war and peace,

and meeting only at stated intervals, and so removed in time as in space from the more insistent demands of some of its constituents, may not develop the full measure of representation which some have expected of it. Drawn from different nations, speaking various languages and attempting to translate their points of view into the language of the dominant Powers, its rôle in the positive contribution towards international settlement will be difficult enough. The weakness of all representative bodies is their miscellaneous character, a weakness which grows more apparent with the widening of the scope of their activities in every country, since every enlargement of the scope entails a more definite and detailed control of technical branches of government—a control for which the legislator has frequently a most inadequate equipment. The Assembly of the League would be the most miscellaneous representative body ever assembled, and would be dealing with the most widespread and intricate problems ever considered by any assembly. In addition to this it would be hampered in procedure, owing to the fact that it has to safeguard minorities, either great States or small ones, from measures which might imperil their rights or even their political independence.

It may be that, in spite of these difficulties, the Assembly of the League may be able to develop in its own field new and effective activities. It may prove capable of applying the preventive medicine of precautionary measures to the ills which in the past have been left to the crude surgery of war; but in a period of history in which national aspirations have been so accentuated as at present, it is well to consider whether any alternative group of bodies is already in evidence to which one may turn for some more definite if less obvious action in the initiation of policies.

It is just this dilemma which the history of the League during the last few months has helped us to face. We see emerging the possibility of a group of bodies dealing primarily with questions which are not merely those of expediency,

but upon which international welfare and continuity of policy depend; bodies in which a representative system may be evolved to some extent at least, to deal with world problems in a positive and constructive way.

The Covenant of the League gives no hint of the possibilities of this line of development except by a liberal interpretation of Articles 23 and 24. The only permanent bodies referred to for carrying out the purposes of the League in addition to the central organisation are Bureaux and Commissions, both of which terms imply a limitation to routine under the control of the Executive. Article 24 states that—

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties by such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

Had the second statement of this Article included in addition to bureaux and commissions "recurring International Conferences" to deal with the issues which come within the scope of the League, we should have had a clue to the direction in which the history of the League seems to be moving. That no such reference was made may have been partly due to the fact that it is difficult to define beforehand the scope of such International Conferences, in so far as they could come within the purview of the League, and that reference to them might seem to be unduly inclusive, and so to involve the League in a larger and more cumbersome constitution than could be accepted at the time. In short, it may have seemed to increase rather than to lessen the vagueness of the provisions of the Covenant.

The omission of these phrases from the Covenant, however, has not prevented the development of departmental conferences. The most significant of these is of course the International Labour Conference provided for in Part XIII. of the Treaty. But in addition to that there are other fields

of international action and supervision such as those outlined in Article 23, in which policies must be arrived at through the common action of those in different countries primarily interested in each particular matter. And unless provision is made for consistently developing policies once inaugurated, by the oversight of some such departmental representative bodies, it would be hard to secure that coherence and persistence in international policy upon which international law can build its structure and establish its determining principles.

The way in which these Conferences may supplement the work of the Executive on the one hand and the International Judiciary on the other is clear from the history of international relations. To take but a single instance, the plans inaugurated at the International Conference at Brussels in 1890 to suppress slave traffic and reform certain aspects of colonisation and trade in Africa, broke down mainly through the fact that there was no provision by which that Conference could automatically reassemble ; the result being that a new move on the part of any one Power for calling it together again might seem to imply a critical or unfriendly motive toward some co-signatory. The abuses in the exploitation of Africa became an international scandal before a way was found for reopening the question. Thus matters which are primarily technical or economic may acquire a political complexion, and bring up those questions of national honour which it is the province of diplomacy largely to avoid.

In the unsettled state of international relations which has sprung from the disturbances of the Great War, it is of the first importance to secure a settlement of as many questions as possible without allowing them to acquire the colour of political controversies. At the same time it would not do to leave them to the relative secrecy which is inherent in bureaucratic action ; still less would it do to leave their settlement in the hands of the regular channels of diplomatic intercourse, since that would involve them *ipso facto* in the limitations and difficulties of political action. By frankly recognising,

therefore, the principle of recurring Conferences as a means of arriving at policies in the technical or limited fields in which they operate, there is the possibility of developing a mechanism which, while not infringing upon the principle of national sovereignty, will secure progressive action in matters of common interest, leaving it to the future to develop and enlarge that interest with the growth of the international mind in the citizenship of the different countries. For the present the most pressing need is to be aware of the possibilities along these lines, and of the opportunity which the League affords for meeting those opportunities.

The demand for a world legislature presupposes a world citizenship, a presupposition which carries one over from the realm of fact to that of theory—from realities to ideals. But whatever the future may have in store, there is already in existence a limited international citizenship interested in certain sets of questions which can be worked out through the existing State system, and for which effective organs must be found within the League. Leaving aside, therefore, for the present the problem of a miscellaneous general world representation, we come upon definite fields of action, such as freedom of commercial intercourse, international financial relations, international labour problems, control of trade with dependent and immature peoples, measures with reference to international health where the menace of disease or plague must be met and forestalled, and other such questions of public welfare that affect mankind as a whole without regard to political frontiers. Experience has shown that the effectiveness of the organisations which in the past have dealt with these matters has depended largely upon two things; on the one hand the quickened appreciation of their need, which investigation of conditions and the advance in scientific knowledge or education may supply; on the other hand on the possession of adequate instruments for securing and enforcing reform. The League now offers both, through the publicity of conferences in which propositions are initiated,

and through the assurance of a permanent staff to co-ordinate and study the programme and watch over their administration.

But, while it is important to recognise the possibilities along these lines, it is just as essential that the principle of recurring Conferences should not be strained or exaggerated so as to include all the miscellany of international intercourse in social welfare, a large part of which has but slight connection with the League of Nations. The policy of the League in this matter, therefore, must be conservatively based upon a sense of reality rather than upon theoretic and all-inclusive idealism.

#### V. VARYING DEGREES OF NATIONAL INTERESTS

Finally, it seems that either through these devices, or others similar, a way must be found for securing varying degrees of participation of the different States in the activities of the League. History has amply shown that there is need for closer co-operation between the different States on the Continent of Europe than elsewhere. Situated as they are in such close proximity, the development of their economic welfare, and in some cases of their very life, depends upon securing a means of intercourse—political, economic, and social—which is not felt by nations farther removed. Great Britain, as its history shows, is at least one degree removed from the closely involved network of Continental interests; America is still farther off; and the Orient, except in certain fields, still farther removed. To attempt to force all these varying degrees of interest to a common mould is, as has already been seen during the last few months, to delay action, where it might otherwise be realised; indeed it seems to be partly owing to this gradation of interests that the Covenant of the League was left in such general terms. By frankly recognising it now, the imperfections of the initial stages may be made good through achievement along sound lines.

It lies with those nations most interested, which in this

instance are those which have suffered most in the War, to see to it that the mechanism erected for the purpose of restoring and securing healthy international life shall be effectively employed, and that positive measures rather than mere prevention of dispute shall be developed in fields which invite co-operation rather than disagreement.

But to make that co-operation effective, it must not be left to the sporadic impulses of amateurs, nor to the obligation of treaties which may soon be rendered out of date owing to the dynamic character of our industrial civilisation. The device is at hand for securing intelligent and responsible action in international policies. The world of business, as well as that of labour, must learn to appreciate its value and to secure open doors through artificial or sentimental barriers, and remove peace-disturbing impediments. The great routes of international transit must be safeguarded against trivial and local opposition; plague and disease must be combated at their source; and the moral delinquencies of backward or other peoples must not be allowed to poison the world by exploitation of shameful or dangerous traffics. If the positive measures foreshadowed already by the nascent organisation of the League achieve but a fraction of these purposes, it will not look long in vain for the co-operation of any forward-looking State as it grapples with those issues entrusted to it, upon which so largely depend the future of civilisation.

## IV

# THE PERMANENT COURT OF INTERNATIONAL JUSTICE

By LÉON BOURGEOIS, Member of the Institute of France and President of the Senate of the French Republic, and ANDRÉ WEISS, Member of the Institute of France and Professor of International Law at the University of Paris.

THE new world which has been brought into being at the cost of so much bloodshed can be established on no other foundation than justice. "Give to every man his due" is the password handed down to us by the wisdom of the Romans. This conception should permeate the law of nations, even as it does the law of individuals. Just as every member of a civilised community necessarily obeys that law, which has been made to govern his daily relations with his fellow men, and of necessity recognises the authority of the judges entrusted with its interpretation, so, too, the nation is subject to the same play of circumstances in its relations with the world beyond its own borders. Law, national or international, is the product of civilised existence. As soon as men or States come into existence, the concept of law arises amongst them as an unavoidable consequence of their individual freedom and autonomy. Either may and can fulfil its destiny unhindered and bring into play all the ability possessed; but both must have regard for the rights of their neighbours

and stop short at the point where the exercise of prerogatives would become an annoyance or a danger to others.

This fundamental principle of law springs from the conflict of two rival liberties. The foundation of law rests on respect for the liberty of one's neighbour; if this is true as regards two individuals, it is still more true of those great legal personalities which we call States. The social instinct is as natural a law for States as for men. States cannot live in isolation any more than men, for the variety of their natural products and the diversity of their interests and national temperaments compel them to depend one on the other. Each is necessary to the other, and in proportion as their civilisation progresses, so much the more do they come to depend upon the friendly aid of other peoples. The mere fact that several States dwell side by side forms between them a bond of mutual interdependence and reciprocity in political and economic matters from which arises the duty that each do nothing to compromise those rights which it claims for itself from the others. In short, there arises between the different States that are members of the international community a legal and binding relationship from which they cannot withdraw. International relations thus produce international law. *Ubi societas, ibi jus*. The Covenant which forms the Preface to the Treaty of Versailles pays solemn homage to this maxim by establishing the League of Nations, to which the International Law of the future will look for its sanction.

It is not enough to make a solemn proclamation of the existence of international law, nor to inscribe its precepts upon treaties that have no guarantee except the loyalty of the contracting parties. If it is to be a real force, there must be judges to apply it to the various disputes that may arise between States in order to settle international differences by peaceful processes. National Courts are insufficient for this task, for their impartiality would not be beyond suspicion, and they have no jurisdiction over other States. Consequently international law requires international judges.

# FIRST ATTEMPT AT INTERNATIONAL JUSTICE— ARBITRATION

We can trace back to the earliest times the idea of entrusting judges possessed of international authority with the task of examining difficulties of a justiciable nature such as are constantly arising between different governments. Until modern times, however, this authority has been given only to *arbitrators* chosen by the contending parties and possessing their confidence. The principle involved in the arbitration of international disputes was borrowed from civil law. It involves no infringement of the independence of the States between whom the arbitrator intervenes. There is no imposition of a higher authority; the parties at issue accept the method beforehand; it is rendered possible only by the previous harmonising of their wills and perhaps by compromise between them. This sort of arbitration is of very ancient origin, even as shown in the *Amphictyonics* of ancient Greece and the *Fetials* of primitive Rome. In the Middle Ages many cases were settled by arbitration by persons such as St. Louis, King of France, the Popes and the *Jurisconsults* of the Bologna School.

The last fifty years, however, have witnessed the most significant examples of the use of arbitration. So great has been its progress, and so frequent its employment, that many liberal-minded people believed they had at length found an entirely satisfactory method of solving international difficulties. They proclaimed a future, close at hand, when war would be abolished and universal peace would reign supreme. This, however, was too much to expect; and a period of tragic alarm gave the lie to these optimistic predictions.

It is none the less true that from the middle of the nineteenth century onwards international arbitration has rendered most important services to humanity. Serious disputes which seemed to have no solution but by force of arms have

been settled in the simplest manner possible. Among the famous cases the place of honour must be given to the Alabama affair. During the American Civil War, 1861–1863, the Southern Confederates had contracted for the building and arming of a certain number of ships in British yards. In this they were availing themselves of the goodwill of the British Government, whose commercial interests made it favour the cause of the South, which secured to it the cause of free trade. One of these boats, the *Alabama*, won particular distinction by the damage which she had inflicted on the Federal Navy. After the conclusion of Peace the United States charged England with having harboured the rebels in its ports, and accused her of a breach of neutrality. To the demand for indemnification, England replied at first by a categorical refusal. But after protracted negotiations the two Powers came to an agreement, and, by the Treaty of Washington signed on May 8, 1871, agreed to submit all claims to a Court of Arbitration. The Tribunal was composed of five members nominated by the President of the United States, the Queen of England, the King of Italy, the Emperor of Brazil, and the President of the Swiss Confederation. The first meeting was held at Geneva on December 15, 1871, under the presidency of the Italian member, Count Sclopis, and immediately developed many difficulties. Thus nine months elapsed before, on September 14, 1872, the conclusions were made public. As had been foreseen, the decision by a majority of four to one justified the American claims, and required Great Britain to pay an indemnity of \$15,500,000.

Several important arbitration cases between 1872 and the first meeting of the Conference at The Hague in 1899 are worth mention. In 1875 the Delagoa Bay affair between Portugal and Great Britain was referred to Marshal MacMahon, President of the French Republic. In 1879 a dispute between France and Nicaragua, relating to a sale of arms by a French ship to rebels in Nicaragua, was submitted to the arbitration of the Court of Cassation at Paris. In 1890 the Emperor

of Russia was called upon to settle an affair between France and Holland regarding the fixing of the boundaries of their possessions in Guiana. We must also mention the important arbitration between England and America, relating to the Behring Sea fisheries, and the dispute between France and Brazil, again on the subject of the frontier of French Guiana, which was settled in 1897 by the Swiss Government.

Before the Hague Conference met in 1899, however, no precise rule had been laid down by international custom as to the selection of the arbitrators. The parties to the arbitration were free to choose the persons most acceptable to them : perhaps a lawyer, a diplomat, a court of justice, a learned body, a sovereign, the head of a State, or, finally, a tribunal composed of representatives of several countries, amongst whom were sometimes included representatives of the countries involved in the dispute. But whatever the composition of the Court, the sentence pronounced was binding. It was not merely *advice* like that of a mediator ; it was a *judgment*, and a judgment without appeal, which the parties were bound to obey.

The shortcomings of arbitration, as at first practised, became evident at an early stage. Parties who had recourse to that method of settlement were often embarrassed by the very freedom of choice which they possessed. The selection of one or several arbitrators, the drawing-up of a preliminary agreement containing a definite statement of the questions at issue, the adoption of a special procedure with regard to a definite dispute—all these were questions which entailed delicate negotiations and involved difficulties which the parties did not always foresee. The disagreements which resulted were often a source of discredit to the system of arbitration itself.

The Institute of International Law began at an early date to render assistance to those States who were disposed to submit their disputes to arbitration. In 1875 it worked out a scheme of procedure, while a similar scheme was adopted

somewhat later by the " Association for the Codification and Reform of International Law " at its meeting in Brussels in 1895.

### THE HAGUE PERMANENT COURT OF ARBITRATION

The Hague Conventions of 1899 and 1907 regarding the peaceful settlement of international disputes were a step further. They did not withhold from the parties at issue the right to select their own arbitrators as in the past, but they placed before them a definite method of procedure with an organisation in working order, ready to take cognisance, under rules laid down beforehand, of complaints submitted to it. This is the *Permanent Court of Arbitration situated at The Hague*.

The task assigned to the New Court is laid down in Article 20 of the Convention of 1899, reproduced by Article 41 of the 1907 Convention. It runs as follows :

With a view to facilitating the immediate reference to arbitration of international disputes, which have failed of settlement through diplomatic channels, the signatory Powers bind themselves to form a Permanent Court of Arbitration accessible at all times and working—*save when the parties at issue shall agree otherwise*—according to the rules of procedure laid down in the present Convention.

Despite its name, the Permanent Court of Arbitration is not a Tribunal established once for all in permanent session and waiting for litigants to appear before it. It is neither a Court of *Justice* nor a *permanent* Court. It consists merely of a panel or list of persons bound by oath, who are proposed for the consideration of the parties concerned. The litigants can select from among this list the members of the Arbitration Tribunal to examine their dispute.

How is this list drawn up ? This question is answered by Article 23 of the Convention of 1899, which has become Article 44 of the Convention of 1907 :

Every contracting Power shall nominate a maximum of

four persons, being recognised authorities in matters of International law, and of unblemished moral reputation, who are prepared to undertake the duties of arbitrator. A list of these persons, entitled "Members of the Court," is drawn up and forwarded by the Secretariat to all the contracting Powers, who are subsequently informed of any alterations which may be made. Two or more Powers may agree jointly to nominate one or more members. The same member may be nominated by different Powers. Members of the Court are nominated for six years. In case of death or retirement, provision shall be made for replacing a member, in the same way and for a fresh period of six years.

To assist the Court, the Conventions established at The Hague two institutions with a definitely permanent character, and with headquarters in the Peace Palace, the gift of Mr. Carnegie, the great American philanthropist. The first is an International Secretariat which issues all communications relating to the meetings and work of the Court, and the second an Administrative Council, whose duties are to oversee the Secretariat and frame all regulations necessary for the working of the Court. This Council is composed of the diplomatic representatives at The Hague of the contracting Powers and meets under the presidency of the Foreign Minister of the Netherlands.

Let us now consider the manner in which this Court fulfils its important tasks. The parties at issue declare, in a preliminary agreement, their willingness to accept the interposition of the Court in the dispute; they then form the Court, that is to say, they nominate the Arbitrators. If both sides agree, the case may be submitted to one single arbitrator, or to several chosen from the panel, or even from outside it. If an agreement is not reached, the parties each select two arbitrators from the official list, and the four thus chosen select the Chief Arbitrator who is to preside over the Court.

The Convention of 1899 did not prohibit the parties at issue from selecting their two arbitrators from among their own nationals. As is clear, the result of this might be to

make the award the work of the Chief Arbitrator alone, his colleagues being influenced by feelings of patriotism. This danger was removed, however, by the 1907 Convention, which provided that only one of the arbitrators might be chosen by each side from among its own nationals.

On the formation of the Tribunal, the parties notify the Secretariat of their intention to approach the Court, forwarding the text of their preliminary agreement and the names of the arbitrators selected. The Secretariat at once sends to each arbitrator a copy of the preliminary agreement, together with the names of his colleagues. All is then ready for the Court to begin its work.

The rules of procedure are merely optional, and not binding on the parties at issue. As a general rule, failing agreement to the contrary, a written statement of the case, composed of memoranda, replies, and counter replies, is drawn up. The parties at issue are represented before the Court by agents, assisted sometimes by counsel. The selection of such persons was at first unrestricted; but in 1907 it was decided that members of the panel might not act as agents or counsel for any Power save that by which they were appointed to the Court. The Tribunal decides on the question of language and as to whether the public is to be admitted to the sittings.

At the end of the sittings, the Tribunal considers its award in private, but the finding must be read in open Court and the reasons for the finding given. In 1899, judges who dissented were authorised to state the fact, but not to give the grounds for their opinion. In 1907 this rule was amended. The derogation from the authority of the finding which resulted from this practice was considered to be most unfortunate, and at the present time neither expressions of dissent nor even reservations are permitted.

When once the finding has been announced, it is judicially binding on the States which are parties to the dispute. They are bound to carry it out loyally and in good faith. Never-

theless, the absence of sanctions has prevented an award by arbitration from having the executive force which belongs to ordinary judicial decrees. Executive force can only spring from a fount of public authority which receives its powers from the supreme ruler of the country where it is established. International judges have had no such powers. Besides, it is not clear that the arbitrators' award has the authority of a "chose jugée" in the national Courts of the States that were parties to the dispute, nor that these latter Courts are bound to recognise the award.

Hitherto the awards of such a Court had been subject to no *appeal*. *Revision* of the finding is permitted in certain cases, however, if the parties at issue, in their preliminary agreement, had reserved to themselves the right of eventual appeal against the decision to be given. Yet even so, a revision is not possible unless a new fact of a nature decisively to affect the finding has been discovered, and one which was unknown both to the Court and to the appellant party at the time the sittings were closed. Proceedings for revision cannot in any case be instituted except by a decision of the Court which made the award. This decision must state expressly the existence and relevance of the new fact; and it is for the tribunal to grant or refuse leave to appeal. *It is really a process of retraction.*

The procedure detailed above is certainly complicated. Certain disputes may require a more speedy, less costly method of solution, while others may call for specially qualified persons, other than those whose judicial skill or high moral reputation has placed them on the permanent panel of the Arbitration Court. To provide for such cases the Hague Convention of 1907 amended the scheme of 1899 to provide a summary method of procedure by arbitration for cases of minor importance or of a technical character. This amendment was really the creation of an International Court of Summary Jurisdiction. The simplified procedure excludes all verbal argument and limits the number of arbitrators to three,

who may be chosen by the parties from outside the panel of the Permanent Court.

In principle all arbitration referred to in the Hague Conventions is purely optional. Every effort to invest the Court with powers of a compulsory nature, both in 1899 and 1907, was of no avail. Russia proposed to insert a clause in the 1899 Convention which would generally bind the contracting Powers to submit to arbitration certain types of purely legal questions or matters of minor importance affecting neither their honour nor their vital interests. The opposition of Germany, however, brought this proposal to nought. Similar projects in 1907 met with a like fate, though one secured 32 votes to 9. As the principle of compulsory arbitration did not receive unanimous acceptance, it was not formally accepted by the Hague Conference, but, following a statement by Count Tornielli, chief Italian delegate, a solemn declaration was inserted in the final draft of the proceedings :

This Conference wishes to conform to the spirit of mutual understanding and friendliness, which is indeed the most potent factor in its deliberations ; it, therefore, has drawn up the following declaration, which, while it maintains for each of the Powers represented the right to vote as they wish, at the same time affords them all an opportunity of making their adhesion to the principles which it considers to be universally recognised ; that is to say :

- (1) *To recognise the principle of compulsory arbitration.*
- (2) To declare that certain disputes are capable of being submitted to compulsory arbitration without any restriction, such disputes being in particular those which concern the interpretation and application of formal international agreements. •

Moreover, though the principle of compulsory arbitration is not accepted in the Hague Convention, the Conference of 1899 formally recognised that there was nothing to prevent Powers from coming to individual agreements which involved this principle. The Permanent Arbitration Conventions concluded between State and State have since become innumer-

able. Most of them exclude disputes involving questions of vital importance, the freedom or honour of the contracting parties, or the interests of a third Power, but some of the more recent have reduced or even abolished these reservations. We must also note the arbitration clauses inserted in a large number of treaties, especially those relating to commerce or navigation, by which it is definitely laid down that doubtful points in the treaties shall be submitted to arbitration.

The Permanent Court of Arbitration has settled several important international disputes. The first decision which it was called upon to give arose out of a disagreement between the United States and Mexico in 1902 regarding certain *Catholic Endowments in California*. On February 22, 1904, the Court decided a question as to the indebtedness of Venezuela, involving two rival groups of Powers—Germany, England, and Italy on the one side, opposed to France and several States on the other. In the same year a demand formulated by Germany, England, and France against Japan was brought up, involving the imposition by Japan on the nationals of these other States of taxes on real property held by them in Japan. In 1905, arbitration between France and Great Britain took place as to “boutres mascatais.” In 1909 the serious matter of the Casablanca deserters between France and Japan went to The Hague. In 1910, the United States and Great Britain appeared concerning the interpretation of the Treaty of 1818 as to fishing rights in the territorial waters of Canada and Newfoundland. In 1911, France and Great Britain appeared in the Savarkar affair, and finally, in 1913, France and Italy submitted the Carthage and Manouba incidents.

In thus sketching the outlines of the work accomplished by the Hague Conferences, reference must be made to the Commission of Inquiry, instituted by the Convention of 1899 and remodelled by that of 1907. These Commissions may be set up to establish by conscientious and impartial scrutiny any questions of fact which have given or may give

rise to disputes. The opinions they pronounce bear only on the facts of the case, and their use is authorised only in international litigation which affects neither the honour nor the vital interests of States. The advantages of these Commissions of Inquiry are obvious. For instance, there may be a frontier incident. A misdemeanour has been committed in the immediate neighbourhood of the frontier between two countries; it is not definitely known if it occurred on this side or the other. There are two stories which appear equally possible. The inquiry which the Commission institutes clears up the facts. Once such light has been thrown on the case the parties may easily agree upon the conclusions to be drawn.

Like the Court of Arbitration, the Commission is constituted by a special agreement between the litigant parties specifying the facts with which the inquiry must deal, the manner of its constitution, the scope of its powers, the place of its sitting, and its procedure. The result of the investigation is embodied in a report drawn up in private, approved by a majority of votes and then read in public session in the presence of the agents or counsel of the parties concerned. At first sight there is a strong analogy between the working of the Court of Arbitration and the Inquiry Commission, but this is more apparent than real. The Court of Arbitration sits in judgment, gives a verdict and puts an end to the controversy; while the Commission confines itself to a statement and proof of facts, acting after the manner of a police magistrate, and is not, as a general rule, competent to appraise in any way the results of the inquiry it has conducted, nor the questions of law which arise therefrom. It is for the parties at issue, once obscure or contested facts have been made clear, to draw the necessary inferences. They are free to arrive at a direct and friendly settlement, or else, if a point of law remains contentious, to set up an arbitration court to judge it. The tragic incident at Hull in 1904, which nearly caused a conflict between Great Britain and Russia during

the Russo-Japanese War, has enabled the International Inquiry Commission to demonstrate its preventive value.

### THE LESSONS OF THE PAST—NECESSITY FOR AN INTERNATIONAL COURT OF JUSTICE

No one is inclined to underrate the immense progress which has been attained in the sphere of International Arbitration by the Conference at The Hague. To its beneficent initiative we owe it that the peaceful settlement of international disputes is no longer a more or less rare occurrence in the life of nations, and that the conception of a justice common among nations, as among individuals, has been more clearly affirmed. Further, the litigants who have chosen to resort to The Hague have been freed from the hindrances and obstacles which in former days too often discouraged their good intentions. Arbitration has been made easy, and while the liberty of the parties is respected, the procedure of which they can avail themselves furnishes all the guarantees they have a right to demand.

Does this, however, entitle us to say that this attempt has been successful from every point of view, and that the work accomplished at The Hague has come up to all expectations? Obviously not. While it is manifestly unjust to denounce a failure which exists solely in the imagination of calumniators, and which is disproved by the results obtained in the ten years which preceded the war, it is only too true that the work suffers under grave defects.

Notwithstanding the intentions of its founders, the character of the Court of Arbitration is that of a Court *intermittently in session*. In all cases of litigation the parties concerned choose the members of the Tribunal which is called upon to effect a settlement; but the moment a verdict has been given, this tribunal ceases to exist. It does not survive the dispute which it has disposed of, and it would be a mere accident if its members subsequently found themselves called upon to

settle an analogous case arising between other States. Precedents which normally play so weighty a part in the findings of justice are thus of little import in this Court, and it would be impossible to discover, in the compendium of its decisions, the rudiments of an international jurisprudence. The choice of arbitrators is not always the outcome of a desire to see justice done, nor do Governments always look to the scrupulous impartiality of the judges of their choice. The verdicts betray only too often the desire to keep the balance as far as possible between powerful litigants, and show traces of bargaining and compromise which are in a greater measure the work of diplomacy and political considerations than the result of solicitude for the undying cause of Right.

These disadvantages had not escaped the Conference of 1907. Experience in the arbitrations pronounced under the terms of the Convention of 1899 opened the eyes of all. Hence the idea put forward to create, either within the pale of the Court established by this Convention or independently of it, but working side by side with it, an International Court of Justice, permanent in the true meaning of the word, and capable of giving to the verdicts rendered in disputes between Governments that unity, stability, and judicial weight which until then was wanting.

The proposal of the United States, which aimed at the establishment of a Court of Justice, distinct from the Permanent Court of Arbitration, was considered at first by a Committee of the Conference. This proposal served as basis for the text submitted by the German, American, and English delegations, for examination by the Plenary Assembly, which adopted a resolution in its favour. By this project the Court of Justice was to comprise a small number of magistrates, nominated for twelve years and bound by oath or by a solemn declaration. They were to be lawyers of the highest standing and recognised authorities on International Law, and to be paid an adequate remuneration. The Court would sit at The Hague, where it was to be in session every year ;

the International Bureau and Administrative Council of the Arbitration Court were to perform on its behalf the same duties as they perform for the Arbitration Court. The procedure was to be almost identical with that for the Arbitration Court established in 1899, the verdicts being similarly expounded. Finally, the competence of the Court was to be purely optional, as it was to confine itself to disputes which came before it either by virtue of a general stipulation or a special agreement.

How were the judges composing the Court to be appointed ? The principle of the equality of States would entail the allotment of one seat to each of the forty-four countries represented at the Conference. Some restriction would clearly be necessary. To bring this about it was suggested by some that the judges should be elected by the General Assembly of the Court or be drawn by lot. Others—and these included the Americans who prevailed in the constitution of the International Prize Court set up by the Conference of 1907—conceived a system of rotation between the States. By this plan, of the seventeen judges comprising the Court, eight were to belong permanently to the Great Powers, the nine others were to be divided in rotation, and for varying terms of office, between the lesser States. No agreement, however, was reached on either proposal. The project for the establishment of a Court of Justice had therefore to be given up.

Nevertheless, as the result of a Conference at Washington, called together at the instance of the United States and of Mexico shortly after this failure at The Hague, an International Court of Justice actually saw the light of day ; but its competence was limited to relations between certain of the Central American States. The Convention which established it is dated December 20, 1907, and was concluded between Costa Rica, Guatemala, Honduras, Nicaragua, and San Salvador. Its terms may be summed up as follows.

The Court is composed of five magistrates, who are nominated for a term of five years by the legal authorities of

each of the contracting States from among the most capable and best-known lawyers. It has cognizance of all disputes whatsoever between the contracting Powers ; deals with any kind of dispute of an international character between individual citizens of the Powers ; also with international issues in which one of the Powers is interested and an outside Power, provided the case is referred to it by virtue of a special Convention ; and, finally, with difficulties which might arise between the legislative, executive, and judicial authorities in any one of the five Central American States.

To the achievements of recent years which are worthy of mention belong also the treaties concluded from 1913 onwards between the United States and various other Governments, commonly called the "Bryan Treaties," after the American Secretary of State who was their originator. These treaties, it is true, have not set up a Court of Justice empowered to judge contentious international issues, but have confined themselves to making use of an institution which the Hague Conventions had put to the test, *i.e.* to establishing in the relations between the contracting Powers *permanent* international inquiry commissions, whose action would be preventive by suspending the opening of hostilities for a fairly long period.

Such was the record of the institutions called into being for the promotion of international justice, when in 1914 that immense conflict arose which set Europe in flames. The gaps and shortcomings of past achievements sprang into prominence at the contemptuous refusal by Austria and her Allies of the offer made them by Serbia, and thereafter by the Emperor of Russia in person, to lay their demands before the judges at The Hague. Knowing that they had nothing to expect from the discussion in which they were asked to take part, the Central Powers preferred to appeal to arms. The Treaties of Versailles and St. Germain have proclaimed the end of their dreams of world-domination, and the triumph of right.

But how vain will be this triumph and how precarious the victory unless an improved juridical organisation of the world can prevent the recurrence of attempts against the liberty of nations, such as we have been made to witness ! To-day, in a greater measure than ever, it is necessary to erect, high above the nations, a tribunal universally respected, which may act as the guardian and the symbol of that Right which, in the words of Mirabeau, must be the sovereign ruler of the world, and of that Peace which so much heroic sacrifice has just restored to humanity.

The League of Nations can become a living organism only if it makes justice the basis of the scheme it is now preparing—a definitely established justice, freed from political enslavement and independent of the intrigues of Chancelleries, in fact, veritably and truly Justice. It must complete the work of the Hague Conference of 1907, and realise its expressed wish by throwing open to the States the gates of that Court of Justice which have so long been closed. Time has flown. The painful events of these recent years have reduced to their true proportions the objections, difficulties, and susceptibilities which until now have delayed the fulfilment of this work. The time has come for the establishment of an international magistracy to exist side by side with the machinery for arbitration.

It is this thought which inspired Article 14 of the Treaty of Versailles, which invites the Council of the League of Nations “to formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice.” This describes in one clause the judicature of the future, which “shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.”

The appeal of the Peace Conference was immediately heard. A commission of ten famous jurists was appointed

by the Council of the League of Nations at its second meeting in London on February 13, 1920. After several changes in personnel, necessitated by illness, this commission came together on June 16 at the Peace Palace at The Hague, thus renewing touch with all the preliminary work which had gone before. As finally constituted it consisted of Adatci of Japan, Altamira of Spain, Baron Descamps of Belgium, who was elected president, Hagerup of Norway, Dr. Loder of Holland, who was elected vice-president, De Lapradelle of France, who was named reporter, Lord Phillimore of Great Britain, Ricci-Busatti of Italy, and Elihu Root of the United States. In addition Fernandez of Brazil sat as the representative of Bevilaqua of the same country, who was unable to be present in person.

From the start of the deliberations some points stood out clear. The Court of Justice was to be a truly permanent Court. It should be not simply a number of arbitrators chosen on a particular occasion in the case of conflict by the interested parties; it must rather be a small number of judges sitting constantly and receiving a mandate, the duration of which would facilitate the establishment of a real jurisprudence on which public law might be built up. This permanence is a symbol. The Court will be a judgment seat raised in the midst of the nations, where judges are always present, to whom can always be brought the appeal of the weak or protests against the violation of right.

Similarly, this permanent Court would not be a Court of Arbitration, but a Court of Justice. The Court of Arbitration would certainly not cease to function in those cases for which it was set up. But it has a special character, and its range of action is already determined. There is between the sentence in an arbitration and the decree of a tribunal an essential difference, a difference as profound as that which exists between equity and justice. Arbitration can take account of a thousand elements of fact and a thousand contingencies, and often of certain necessities of a political kind,

whereas the decrees of justice take account only of a rule defined and fixed by law.

But at this point the Committee came directly into conflict with that all-important question of the method of selecting the judges which brought failure to the previous Hague Conference in 1907. During the long years which had passed since then, however, the whole face of international relations had been changed by the coming of the Great War and later by the creation of the League of Nations. It turned out that as a result of the spirit of co-operation between nations which had been engendered in the war, and of the organisation of the nations as developed in the League, it was possible to provide a solution which never had been attainable before.

The first step in the selection of judges would be entrusted, fittingly enough, to the Court of Arbitral Justice, which may be said to be the world's most respected judicial body at the present moment. Composed of four representatives from each nation, this Court represents all the great judicial systems and the main branches of civilisation of the world, and is at the same time largely free from political influences. For this reason this body would be asked to nominate a panel of jurists, each group of national judges selecting two candidates.

The panel thus formed, of not over one hundred names, would then be submitted to the Council and the Assembly of the League. Each body would thereupon vote for the number of judges required, and any candidate who happened to have a majority of votes in both the Council and the Assembly would be declared elected. If the list were not filled on the first ballot, a second would be taken and then a third. In case of disagreement between the two bodies after the third ballot, a conference committee of three members of each house would be appointed. It is practically certain that this Committee would provide an agreement acceptable to both houses, but if even that procedure failed, the choice of the remaining judges would be left to the judges already selected.

This system, it is felt, meets all the difficulties of this very difficult situation. In the first place, the method of nomination by an outside judicial body representative of all nations assures a list of candidates chosen, not so much by reason of the particular State of which they are citizens but, principally for their personal authority, their past career, and the respect which attaches to their name. The division of the power of final selection between the Assembly and the Council of the League at last harmonises that long conflict between the Big Powers and the Little Powers, because it gives the Little Powers a check upon the Big Powers through their predominance in the Assembly, and it affords the Big Powers a reasonable guarantee of having a national on the Court through their predominance in the Council.

The next main vital question is the competence of the new Court. Granting that its jurisprudence would be confined to cases of law and of fact, and that it will always be open to States which agree to come before it, it must now be asked whether there are any cases which by their very nature must be submitted to it even without the consent of one of the States involved. In other words, is it possible to accept definitely the principle of obligatory arbitration, even in a limited field?

Here are to be found very great dangers. If the Court has no compulsory jurisdiction, its position and authority would undoubtedly be greatly weakened, and it might be that but few cases would come to it. On the other hand, if it were given too wide a field of obligatory arbitration, it might threaten the theory of national sovereignty and come to exactly the same failure as the Prize Court Convention of 1907 or the Arbitration Treaties proposed by President Taft between the United States, France, and England.

Between the two dangers, however, there is a very clear middle course. The conscience of the civilised world has come to accept the fact that certain disputes of pure law between States should and must be settled in a Court of Law,

whether all the parties are favourable to it or not. This principle has been written into scores of general arbitration treaties between nations, and is also specifically laid down in Article 13 of the Covenant. Therefore any case must be brought before this Court which involves a dispute as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach.

Perhaps one final objection may be answered here. A certain eminent jurist would prefer to reserve the organisation of the League of Nations itself until this new Court has begun to function, and a full basis of law has been created. The Council of the League, however, has gone on the assumption that the two constitutions are complementary the one to the other, and that they must of necessity be organised at the same time and develop one alongside the other.

The Court can function only in a well-ordered cohesive world where there is a continuing mechanism for international co-operation and development. It must have close at hand a political organisation, first to supply it with the law which it is to apply, and second, to give it the necessary authority and, if need be, sanctions.

Similarly, the League itself must have at hand a Court of law for the administration and interpretation of its laws and regulations. Many times, as in the Aaland Islands case, it will find itself confronted by a pure question of law which can best be decided by a permanent body of jurists. The political phase of the League will be as dependent on the legal phase as the legal phase is on the political.

Thus, as one of the prime bases of that scheme of international organisation which the League of Nations has been called into being to create, the Permanent Court of International Justice, composed of a limited number of the most highly esteemed judges in the world, entrusted with a certain

field of compulsory adjudication, and enlarging all the time the sphere of recognised international law, is now on the verge of coming into existence. If the League of Nations were to do nothing more than to create that world court of justice which it has never been able to create before, it would have more than justified its creation.

## V

### OFFICIAL NATIONAL CO-OPERATION

By Lt.-Col. REQUIN, French General Staff and French Service  
of the League of Nations.

MEMBERS of the Council and Assembly of the League owe their authority not so much to the position they hold with the League as to their standing and prestige in the official circles which they represent. Their action in the Council and Assembly, therefore, is and will continue to be dictated to a very large extent by the attitude of the peoples' Governments from which they come. The *political* forces behind them are, of course, largely nationalistic, and these are the forces which touch them most closely. It is merely axiomatic to assert that the pressure upon the statesmen in politics more often demands *getting* than *giving*. The League was created for both purposes, it is true, and the problem of the Council members and the representatives on the Assembly is one of proper equating. The International Secretariat may try to indicate the fine adjustment of the balance, and its suggestions may frequently prove acceptable. The Secretariat, however, does not permeate officialdom in Paris, Tokio, Prague, or Buenos Ayres. Responsible statesmen in Bucharest, Council members and representatives on the Assembly from Chili and Poland, cannot look to it for daily advice on League affairs, and yet they must keep closely in touch with world politics and the application of the Covenant

and the forces of their own Government thereto. Some staff they must have, even if it consists of only one or more permanent secretaries to the national representatives on the Council and Assembly, as is the common practice in these early days of the League's career.

Difficulties in the development of this new international organ will be avoided if each nation thus co-operates in its work, and if the League finds solid support in the institutions of the countries which belong to it. This support the League will of course receive from the powerful unofficial societies founded to forward its work; but it will be much more solid if the Governments second the efforts of these societies by officially organising national co-operation for the League's work.

#### A NATIONAL LIAISON SERVICE

The great public departments of the nations are finding that they cannot go on uninfluenced by the League's existence. They have staff work to do for their national representatives on the Council, and the League opens to them new and available channels of communication and collaboration. The situation thus created may result in the installation side by side with the different National Ministries, but in close liaison with them, of a National Service for the League of Nations in each country. This Service should co-ordinate the activities of the Ministries concerned, bring the spirit of the League of Nations into the national institutions, and in the study of every problem, seek solutions which, while respecting national interests, view them in the spirit of the League of Nations. Nothing can be better qualified than such a "National Service" to show people that the League respects and safeguards the different nations; that it does not attack the idea of nationality; but also that this idea is not hostile to progress towards a superior grouping.

In a word, national co-operation is the link between the central organisation of the League on the one hand and national institutions on the other. It should help to co-

ordinate in the spirit of the people the two ideas of nationality and world-wide peace by taking from the first the notion of violence and by founding the second on justice and respect for the rights of all. Such a result cannot be obtained in a day; the universities and the scientific and religious forces of each country must be employed, and the goal reached by means of education. But this co-operation must be achieved if the principles of the Covenant are to be transformed into living realities in the eyes of the people; the need is great enough to justify the attempt.

In sum: the League has two initial tasks to perform, different to be sure, but of equal urgency.

From a *temporal* point of view it must organise the mechanism which will permit it to deal with world-wide problems from the standpoint of a new relationship between Governments, and to perform the duties entrusted to it by the Peace Treaties. This first part of its task is practically accomplished, or well on the way towards accomplishment; and to make it known to the peoples the results have only to be published.

From a *spiritual* point of view, it must make itself felt more and more as a moral power above the nations, at the same time bringing them together and safeguarding them; and this second part of its task can only be fulfilled by the national co-operation of each State which is a Member of the League.

It is to attain this double end—organisation for the preparation of questions to be dealt with by the Council or the Assembly, and co-ordination and inspiration of all national activities bearing on the League of Nations—that the French Government instituted in Paris, at the beginning of 1920, a “French Service for the League of Nations.”

#### THE FRENCH SERVICE AS AN EXAMPLE

This Service, at once an organisation for staff service to the representative of France on the Council of the League

and for co-operation between the French administration and international bodies working under or with the League, was divided at the outset into four sections ; and its Head was given the rank of Minister Plenipotentiary. A few details regarding this first organisation for official national collaboration may be of interest. The four divisions are :

1. A Political section, which deals with questions of a political or administrative nature within the province of the League of Nations, and which forms a link between the General Secretariat of the League and French agents abroad.

2. An Economic and Financial section, which, in agreement with the Ministerial Departments concerned, studies all questions of a commercial, financial, and economic nature which interest the new organisms of the League of Nations.

3. A Legal section, to study (from the point of view of the principles of Public Law) questions submitted to the Council or Assembly of the League of Nations. This section also plays the part of consulting juriconsult to the other sections.

4. A Military, Naval, and Air section, whose task is to prepare the work of the national representatives on the Permanent Commission prescribed in Article 9 of the Covenant, and to advise the French Council Member on military, naval, or air questions. This section is in close liaison with the Ministries of War and Marine, the Inter-Allied Military Commission, and the Under-Secretary for Air.

With the object of marking this new Service as an organisation for study and co-ordination, the French Government has been careful not to choose its personnel exclusively from the staff of the Ministry of Foreign Affairs. On the contrary, it has selected men with technical qualifications. Thus the Head of the Financial and Economic section is a member of the staff of the Treasury (*Cours des Comptes*) and the Deputy Director an authority on commercial questions and a Professor of Political Economy. The Head of the Legal section is a Doctor of Law who has specialised in Public Law. Finally, the Military, Naval, and Air section has as its Chief

an Army Staff Officer who has worked for several years in collaboration with the Allied and Associated Staffs. Attached to him is a Naval Officer and an officer who has specialised in aeronautic questions.

• The French Service for the League of Nations does not confine itself to the study of matters with which the representatives of France must deal at the Council of the League. It watches, from the French point of view, the carrying out of the decisions made at the Council, and gives its opinion on all matters which may affect relations between France and the League.

In this connection one characteristic example may be cited: it has already given and will again give its opinion on the possible effects of the exercise of certain rights given to France by the Treaty of Peace in the Saar Basin. There is no question of disputing or restraining the exercise of these rights, but rather of suggesting one method of putting them into force in preference to another; and this action of the French Service conserves both the national and the League's interests. It may be claimed that it is owing to this effort of co-ordination, inspired by the spirit of the League of Nations, that the régime instituted by the Treaty of Versailles could, in spite of serious difficulties, have been established in the Saar without serious disturbances.

The French Service has maintained continuous relations with the General Secretariat, supplying it with information which was needed by this central organisation, and receiving on the other hand all information of use to the French Representative on the Council of the League.

This organisation can of course be modified or improved as any other institution which is in its infancy. It could be differently constituted from an executive point of view; but the principle on which it has been established remains true for all countries. Governments must take in hand the question of national co-operation with the work of the League, both in the League's interest and in their own. Thanks to

national co-operation of this kind, the League of Nations will cease to be in the eyes of the people and of government officials a far-off organisation without any precise duty; and who knows if the imperfection which still attaches to its Covenant, as to all human things, will not be amended by continuous and efficacious action through such national organisations.

### EDITOR'S NOTE

Since the above article was received, information has come that many other States Members of the League have instituted special League of Nations sections within their Governments. This movement is so important that it is worth while to quote the exact texts in the instance of Italy and Spain.

In late September Count Sforza, the Italian Minister for Foreign Affairs, sent the following circular letter to the Italian diplomatic agents in foreign countries, urging the importance of the League, notifying them of the creation of a special League of Nations section in the Foreign Office, and asking for all documents of interest to the League.

“In sending you a copy of the Covenant of the League of Nations, which came into force on January 10 last, I call your attention to the essential conditions of the new institution. The States who contributed to the creation of the League of Nations, while thoroughly realising its imperfections, counted above all on the moral co-operation of those peoples who, inspired by a true sense of justice, are conscious of the necessity for solidarity in international relations, if it is to be carried into effect. The further consolidation and development of this spirit will therefore be decisive for the fate of the League of Nations; the decisions of the League can only prove efficacious if the sense of international justice should prevail; the more widely the sphere of activity of the League of Nations is extended throughout the world by the admission of States who do not yet form part of it, the more will its authority be assured and its structure perfected.

“If this action is to be effective, it must be based on a broad knowledge of the new institution, both on the part of the governing classes and of the masses. Criticisms of diverse nature have been made against the present organisation of the League and

the details of its Covenant; on the one hand there has been considerable scepticism ever since it came into being, while on the other exaggerated praises have been bestowed on its functions and objectives. The diffusion of exact knowledge of what the League of Nations is will be valuable for restraining diffident and sceptical censors as well as superficial and irresponsible eulogists. It is necessary to instil the firm conviction that the new institution, which has been invoked for centuries by the Italian philosophical and legal doctrine, represents a higher degree of the evolution of law based on a higher unity than that of the State. The creation of the League of Nations aims at securing the integrity of its members and maintaining international peace. It does not therefore exclude the hypothesis of war; it excludes it as the supreme right of the strongest; as the supreme appeal to violence; as an event abandoned to the caprices and vicissitudes of fortune; it admits it, on the contrary, as an affirmation of the moral power of right for reintegrating the community of States broken by the disturbance of international peace, and thus its function comes to correspond to the penal function of each State within its own borders.

“Not only does the Covenant regulate the prevention of armed conflicts and seek to limit military effort to an ever more restricted sphere, but it contains further security for a lasting settlement between States, and for the rapid and harmonious progress of their common interests. The functions of the League of Nations with regard to treaties from the point of view both of form and of substance, with regard to labour, economy, health, international mandates, existing and future national organisations, are particularly noteworthy. A sound understanding of its important and complex mission should take the place of the very vague and widely diffused impression that the League is nothing more than a sterile product of Utopian inspiration. Since Italy is a member of this federation, and since its Government intends to collaborate earnestly in its activities, it is our duty to promote this knowledge.

“I have to inform you that a special department for the League of Nations and the questions concerning it has been instituted in the Italian Foreign Office. I therefore request you to keep me informed of all manifestations concerning the League of Nations taking place in the country where you are accredited, and also of the laws and Government regulations which may

have been introduced in connection with the League and with the treaties relating to the duties of the League, of the various tendencies of public opinion in this connection, of the attitude of the different parties with regard to it, and of questions of all kinds which may provoke action on the part of the League's organisations and the application of the clauses of the Covenant.

"I request you further to send to the Foreign Office a copy of the more important public acts, and of the most noteworthy political and legal publications (compilations and the usual journalistic productions excluded) on the League of Nations, which may be issued in the country where you are accredited.

"I enclose copies of this note to be communicated to the Consulates within your jurisdiction."

Similarly, in Spain, a Royal Decree was published in the *Gaceta di Madrid* of June 4 as follows :

#### MINISTRY OF STATE

##### STATEMENT

"SIRE—When Parliament was asked to include in the current Budget a credit for the expenses incurred by the accession of Spain to the League of Nations, the motives that originated this demand comprised the constitution in Madrid of a central organisation, through which it would be possible to control the policy of Spain within the League.

"It was stated at that time that 'the League would constantly be in need of information and data of various kinds with regard to each of its members ; and these would likewise be obliged to acquaint the League with resolutions adopted, Treaties signed, and other matters, either for its information or for action. Reciprocally, the League of Nations will be obliged to notify each member, through the Secretariat, of the binding decision taken by the Executive Council, of the rules laid down, and of all wishes that may be expressed ; it being necessary that the organisation constituted in each country for that purpose should co-ordinate the activities of each separate Ministerial Department, in order to render as efficient as possible the co-operation of, in this case, the Spanish Government, in the general task of the League of Nations.'

"Since then the truth of what was pointed out has been proved.

The increasing activity of the Council has shown the real complexity and importance of the task entrusted to the League of Nations, as well as that of the organisations which will in due course constitute it. Serious inconvenience has already arisen from the lack of a body which will centralise in Spain the service connected with the new institution, which will provide for the study of the different questions by the competent departments, so that His Majesty's Government may furnish its representative on the Executive Council with instructions suitable for every contingency, see that all accepted obligations are carried out, and note in general everything that may concern Spain within the League of Nations.

"The Government have decided that this body be attached to the Ministry for Foreign Affairs. It can and should be known as 'the Spanish League of Nations Department,' and it will be necessary to develop it *pari passu* with the progress of the League, although at first there will only be a limited staff, recruited from those who are by profession specially fitted for the work with which they will be entrusted.

"It may be desirable that the proposed office be given complete autonomy as regards communication with other bodies, although at first it will work under the immediate direction of the Under-Secretary of State for Foreign Affairs. The Chief of the Department will be empowered, however, to expedite action on matters under consideration.

"In order to ensure complete co-ordination and to prevent overlapping, the new Department will be entrusted with matters strictly concerning the League of Nations, as well as those pertaining to the permanent organisation for Labour and to the special Commissions which will arise as a result of clauses contained in Parts I. and XIII. of the Treaty of Versailles.

"In virtue of the above considerations, the undersigned, acting in accordance with the Council of Ministers, has the honour to submit for Your Majesty's approval the following draft Decree.—Sire, etc.,

"THE MARQUIS DE LIMA."

#### ROYAL DECREE

, As proposed by the Minister for Foreign Affairs, and as agreed by the Council of Ministers,

I herewith decree the following :

“ARTICLE I.—A ‘Spanish League of Nations Department’ shall be created, composed of the staff designated below. The said staff will be considered as included in Section C of the first disposition, complementary to the Budget of April 29 last.

“ARTICLE II.—The said Department shall function in the Ministry for Foreign Affairs under the direction of the Under-Secretary, and shall deal with all matters connected with Spain’s part in the League of Nations, including the permanent organisation of Labour and all those bodies which have been, or will be, constituted as a result of the application of Parts I. and XIII. of the Treaty of Versailles of June 28, 1919.

“ARTICLE III.—In order to ensure the greatest possible speed and efficiency of the service, the chief of the ‘Spanish League of Nations Department’ may, as the delegate of the Director, communicate with the Ministerial Departments, as well as with those other centres or organisations and authorities, either national or foreign, for the despatch of documents, request for information and similar matters.

“ARTICLE IV.—The salaries of the staff attached to the ‘Spanish League of Nations Department,’ as well as the initial and other expenses incurred by the Department, will be charged to the credit designated in Chapter V., Article XIX., Second Section of the Budget for the Ministry for Foreign Affairs.

“Signed in the Palace on the thirty-first of May of the year nineteen hundred and twenty.

“ALFONSO.”

## VI

### DIRECT INTERNATIONAL ADMINISTRATION

By an Official.

SOME consideration has been given in previous chapters to the Secretariat, the Council, and the Assembly of the League of Nations, and to the way in which these central organs of government are supported by both official and unofficial organisations within the States members of the League. We have seen how all the corners of the earth are linked up to the Seat of the League, without in any sense losing their own identity or powers of self-government. We have not, however, considered the League as responsible for the maintenance of a city police force, a fire department and a water-works, or as directly interested in such simple, business-like operations as street-cleaning (and road-mending), the erection of a cold storage plant, or the election of a Municipal Council. In most parts of the world men think of the President, the King, or the Premier as ultimately responsible for the protection of their life and property and for the fulfilment of their daily needs. •

In two districts of Europe, however, people must be beginning to think of the League in some such way, and before long other spots on the map may be put under its special governmental authority. The Saar Basin, situated between France and Germany, just north of Alsace (with its wealth of coal-mines and its 700,000 inhabitants), is one of

these districts, and the other is Danzig, the German-made port at the south-eastern corner of the Baltic, now almost surrounded by the Republic of Poland. The first is managed, like many cities in America, by a Governing Commission, and the second, soon to be constituted a self-governing district, with a constitution guaranteed directly by the League, already has a High Commissioner appointed by the Council residing within its boundaries. At the time of writing (June 1920) it seems possible that Fiume, or at least its port and railways, may be administered under the direction or general protection of the League, but for the moment the Saar Basin and Danzig demand chief consideration.

### THE SAAR BASIN GOVERNING COMMISSION

The Saar Basin Governing Commission is composed of five members, appointed by the Council of the League of Nations at its meeting in St. James's Palace, London, February 13, 1920. They are to hold office for one year, and during that time they are charged with the government of the Saar Territory of 220 square miles. The Commission, however, does not possess the unlimited power of a sovereign. The inhabitants of the territory, mostly German, retain their nationality, and the German laws, regulations, and judiciary system for the most part remain. The French Government owns the mines and possesses large powers incidental to their exploitation. The Saar Territory is subject to the French customs régime, and no restriction can be imposed upon the circulation of French money within the territory. These are the chief limitations upon the power of the Governing Commission, which otherwise has quite a free hand, and will be watched eagerly by those interested in international administration.

### THE COMMISSION BEGINS WORK

Less than two weeks after its appointment the Commission

officially assumed power and chose Saarbruck, a city of 125,000 and the largest in the district, as the seat of Government. Mr. Waugh, the fifth member, had not yet arrived, but a provisional distribution of duties was made. Upon his arrival administrative functions were definitely fixed as follows :

M. RAULT (French), *Chairman*—

Interior, Foreign Affairs, Commerce, Industry, Labour.

M. VON BOCH (Saar)—

Agriculture, Health and Social Insurance.

M. LAMBERT (Belgium)—

Public Works, Railways, Postal and Telegraph Service.

M. VON MOLTKE-HUITFELDT (Denmark)—

Public Education, Ecclesiastical Matters, Charities, Justice.

Mr. WAUGH (Canada)—

Food Supply and Finance.

Decisions of the Commission may be taken by a majority, and, as is suggested by the tabulation above, it has full power to administer and operate the railways, canals, and the different public services. In addition, it has all the authority necessary to create such administrative and representative bodies as it may deem necessary, and it possesses all the powers of government formerly belonging to the German Empire, Prussia or Bavaria, including the appointment and dismissal of officials.

The first election for a popular Assembly was to be held during July, and in the meantime leaders of various political and economic groups were called into conference by the members of the Commission. Local government organs went on as before, and for the most part German legislation in force on the day of the Armistice, except those enacted in consequence of the state of war, continued to apply. In fact, no changes in these laws and regulations can be made without consultation with the elected representatives of the inhabitants, and the right of the people to retain their religious liberties, schools

and languages is specifically stipulated in the Articles of the Treaty of Versailles, upon which the power of the Governing Commission is based.

### ADMINISTRATIVE SYSTEM

Except for the very important fact that the Saar Commission is, of course, not elected by the inhabitants, the system of administration set up in the Saar bears much resemblance to that which exists in an American city boasting the Commission form of government, and possessing at the same time a highly developed civil service. Tax-collectors, railway engineers, postal clerks, teachers, and justices are German officials who have taken the following oath :

I pledge my fidelity to the Governing Commission, representing the League of Nations, my obedience to the laws, and my conscientious fulfilment of the duties of my office.

The Commission has, it is true, appointed a small number of non-German officials to assist it in the handling of technical problems, but it did not at once attempt radical alterations in the operation of the administrative services, which continue to function along German lines. From the very first, too, the official journal has been issued only in the native language (German).

Nevertheless, the Saar Commission took office under extraordinary circumstances. Not only did it inaugurate an international régime, but it was faced with the necessity of substituting civil for military administration. No military service, either voluntary or compulsory, can be exacted from the inhabitants of the territory, and the construction of fortifications is forbidden. Only a local gendarmerie for the maintenance of order may be established, but pending the organisation of such a force, the Commission has secured the services of French troops to provide for the protection of persons and property. These are garrison troops, however,

not forces of occupation, and the military administration of post-Armistice days has completely disappeared. Public liberties, including freedom of movement, liberty of the press, and the right of public meeting, were quickly restored, and the postal censorship abolished.

### DIFFICULTIES AND DANGERS

Difficulties have been encountered by the Commission with some of the inhabitants and officials of the Territory. German patriotism is strong in the hearts of many; economic problems loom large in the eyes of others, and differences quite naturally exist as to the interpretation of the provisions of the Treaty. It is too early yet to do more than state the facts, and to note with Sayre<sup>1</sup> that "in all the failures of the past there is no evidence that international government is impossible. Where the nations have been in earnest in their purpose to set up an organ of international control, and where the object to be attained has been of sufficient importance to cause the creating states to accord to it adequate power, the organ has generally been successful. The Danube Commission, the Rhine Commission, and particularly the Sugar Commission, all bear evidence of this fact."

History does not tell of very many international executive organs with power which have proved successful. The reason, however, as Sayre says, "is not to be sought in any fundamental impossibilities in international government. The true explanation lies in the fact that hitherto nations, loath to restrict the exercise of their own sovereign powers, have been unwilling to accord any real power of control to an international body. The striking fact is not that successes have been so few, but rather that in the very few cases where international government has been sincerely and honestly

<sup>1</sup> *Experiments in International Administration*, F. B. Sayre, Harper & Bros., New York, 1919.

tried, and where necessity has forced the nations to accord to the international organ sufficient power, the results have been on the whole successful." He goes on to show that failures in the past have been primarily due to one or more of three reasons :

1. Virtual impotence of the executive organ.

2. Unimportance of object and consequent indifference of member States.

3. Impossibility of conditions at the outset.

No insuperable obstacles seem to confront the Saar Commission, although the limitations upon its power and the difficulty of reconciling French exploitation with proper care for German citizens should not be lightly regarded.

It is hardly fair, however, to compare experiments of the past with international administration of the present. In the days of the Albanian Commission, and the Congo Free State, international administrative organs could look to no central body or power for whole-hearted support. International co-operation was not continually "on the job." The spirit of unity might create a commission on one day to vanish on the next, leaving the commission in dire straits. To-day things are different. The Saar Commission has the League behind it, and the League is a continuing reality.

The most significant experiment in international administration ever attempted is that now going on in the Saar Basin. If the Commissioners are really given a free hand, if they put in the background the interests of other countries and act solely for the good of the local territory and in accordance with the Treaty, one-half of success will have been achieved, for then the inhabitants on their part cannot very well fail to show a real sense of local patriotism and even loyalty to the Commission. If that be the result of the Saar Valley experiment, no one hereafter will be able to contend that international administration is impracticable. Moreover, with the end of the present régime in 1935 and the popular vote on (a) maintenance of the League of Nations régime ;

(b) union with France ; or (c) union with Germany, we may be able to gain some concrete indication of the results achieved.

### THE FREE CITY OF DANZIG

No such direct powers of government as are exercised by the International Governing Commission in the Saar Basin have been accorded to the League's High Commissioner in Danzig. That district is, or soon will be, a truly self-governing territory with a constitution of its own. The Constitution, which the duly appointed representatives of the region are now framing, must, however, be drafted in agreement with the High Commissioner. This is the primary task for which Sir Reginald Tower (British) was appointed to this post by the Council of the League at its meeting in London in February last.

During the period of constitution-framing and until the formal establishment of the Free City, the administration of Danzig is in the hands of the Principal Allied and Associated Powers, who exercise this power through their representative residing in Danzig. Sir Reginald Tower was appointed to this position in January, 1920, and for obvious practical reasons the League deemed it advisable to entrust their duties in Danzig to the same man. He thus is invested with the dual functions of temporary Administrator on behalf of the Great Powers and of High Commissioner for the League of Nations. In the former capacity he exercises the general administration of the town and territory of Danzig until the establishment of the Free City. In the latter capacity he is collaborating with the inhabitants of the district in the drafting of the constitution of the Free City. Elections for the Constituent Assembly to represent the district in this work of constitution-building were held on May 16, in accordance with a system approved by the Council of the League, with the following results :

German National People's Party	.	.	.	34
Social Democrats	.	.	.	19
Independents	.	.	.	21
Centre Party	.	.	.	17
German Democratic Party	.	.	.	10
Free Economic Association Party	.	.	.	12
Polish Party	.	.	.	7
				<hr/>
Total	.	.	.	120
				<hr/>

The Council, it may be noted, has expressly reserved the right of considering the draft Constitution before placing it under the guarantee of the League.

### THE PERMANENT ARRANGEMENT

The League, however, has a more intimate and continuing responsibility for Danzig than has yet been indicated. The Treaty stipulates (1) that the new Free City is to be placed under the protection of the League, and (2) that the Constitution is to be guaranteed by the League. The protection of the Free City and the guarantee of its Constitution by the League does not mean, however, that the Free City when established shall be administered by the League. The Free City will administer itself in accordance with stipulations to be incorporated in its Constitution. The duty of the High Commissioner of the League, when the Constitution has been put into force, will be to deal in the first instance with the settlement of differences between the Free City and Poland. In this connection it should be noted that the Treaty of Peace, Article 104, gives Poland very important rights, in order to secure her free transit over Danzig territory and the free use of the port of Danzig. These rights are to be defined in a Treaty between the Free City (in this respect represented by the Principal Allied and Associated Powers) and Poland. This Treaty is to come into force at the same time as the establishment of the Free City.

## FUNDAMENTAL PROBLEMS

The position of Danzig is not an easy one. The city is thoroughly German, but it is almost entirely cut off from Germany and largely surrounded by Polish territory. The German population is intended to possess full rights of local self-government without any means of defence of its own, and Poland is given almost unlimited rights for the exploitation of the port and the means of communication therefrom. In many ways the situation is similar to that existing in the Saar Basin. In each case the economic wealth of the district is to be exploited by one sovereign State, while the protection of the well-being of the population, native of another sovereign state, is entrusted to the League. In the case of the Saar Basin the League has direct powers of general administration, but in the case of Danzig it has no such sweeping authority. Until the Free City has been established and has had an opportunity to show its capacity for government, it will be impossible to make any satisfactory comment upon the results of this experiment in semi-international administration.

## GENERAL CONCLUSIONS

The prominent feature of the international administration directly exercised by the League of Nations through its appointed representation is, that no single State is entitled to interfere directly in such administration. The administration is exercised on behalf of all the members of the League of Nations. The particular interest of one of these members may lead to its being given certain guarantees incorporated in the rules for the administration, or in respect of the nationality or other qualifications of the League Commissioners. But the administration is always to be carried out on behalf of the League of Nations and under its direction. The Commissioners represent and are responsible to the League only.

*League administration, therefore, is, truly and really, international administration.* This means, further, that each member of the League of Nations may consider itself called upon to make observations in respect of the way in which the administration is carried out, and to suggest amendments or modifications therein. It is obvious that hereby a valuable guarantee is given against possible abuses.

Direct administration by the League of Nations involves direct *governmental authority* on behalf of the League, either, as in the case of the Saar Basin, in respect of the government of the country in general, or, as in the case of Danzig, in respect of some special State function (the drafting of the constitution).

Outside the category of direct League administration falls, therefore, the appointment of members of administrative commissions who are not under the instruction of the League or who do not represent the League. The appointment, then, only means that the League assists its members in the task of selecting qualified persons for the Commissions, without undertaking any responsibility for the performance of the task incumbent on the commissions. Such appointments have been made in the case of the Saar Valley Delimitation Commission, and others are provided for in the Greek-Bulgarian Reciprocal Emigration Convention and in the draft Turkish Treaty.

In conclusion, it should, perhaps, be pointed out that the League does not confine its interests in administration to the Saar Basin and Danzig. It has certain responsibilities for the late German colonies, which are to be held by various powers under mandates, and it has guaranteed the protection of minorities in Poland, and may take similar action for other parts of Europe. In all these latter instances, however, the League has no *direct* control; it must work through its members. Its problems in this field are considered in the next chapter.

## VII

### INDIRECT INTERNATIONAL SUPERVISION

By the Hon. W. ORMSBY GORE, M.P.

ALTHOUGH the Saar Basin and Danzig may at the present time seem to have more intimate and direct relationship with the League of Nations than any other parts of the world, there are a number of regions which command, or are destined to command, continued attention from the central authorities of the League. In those sections of the globe which are to be discussed in this chapter the power of the League is not exercised directly by Commissions, but in some indirect way, and the nature of the relationship may be indicated to a certain extent by the following summary :

#### *Mandate Territories—*

##### AFRICA :

German East Africa.  
German South-West Africa.  
Kamerun.  
Togoland.

##### ASIA MINOR

Armenia.  
Mesopotamia.  
Palestine.  
Syria.

## AUSTRALASIA :

German Samoa.

Ex-German Islands in the Pacific.

## EUROPE :

Albania.

*Minorities in—*

Austria.

Bulgaria.

Czecho-Slovakia.

Greece.

Hungary.

Poland.

Roumania.

Serb-Croat-Slovene State.

Turkey.

A consideration of League responsibilities in these areas will conclude our survey of the permanent supervisory functions of the League of Nations in the general field of politics and within definite geographical areas, these responsibilities accruing to the League as a definite inheritance from the Treaty of Versailles and from subsequent international instruments, while the Council of the League has itself had little occasion to modify, or even to discuss, the terms in which its action under these headings has been defined. It should be pointed out, however, that the League may at any time, if occasion requires, authorise Commissions of Enquiry to investigate conditions demanding international action, and that in this, or in some other way, practically any corner of the world may come in touch, almost at a moment's notice, with direct representatives of the League."

## SECTION I

## MANDATE TERRITORIES

The Mandate Territories, already listed, include the former

German colonial possessions, which are peopled with so-called backward races ; and certain parts of the former Ottoman Empire, which are occupied by non - Turkish populations. The ex-German territories were ceded to the British Empire, France, Italy, and Japan (the Principal Allied and Associated Powers who have ratified the Treaty of Versailles)<sup>1</sup> by Article 119, which reads :

Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions ;

and provision has been made in the Turkish Treaty for the renunciation by Turkey of all her former rights in and over the territories which are to be supervised by Mandatory Powers.

The ceded German territories are administered as follows :

BELGIUM : A portion of German East Africa.

BRITISH EMPIRE : The remainder of German East Africa ; about one-quarter of Togoland ; a small portion of Kamerun ; Nauru.

AUSTRALIA : The former Pacific possessions of Germany south of the Equator, except Nauru and German Samoa.

NEW ZEALAND : German Samoa.

UNION OF SOUTH AFRICA : German South-West Africa.

FRANCE : About three-quarters of Togoland ; the greater portion of Kamerun.

JAPAN : The ex-German Islands in the Pacific north of the Equator.

Certain of the former Turkish districts are also controlled to-day by Allied Powers as follows :

BRITISH EMPIRE : Palestine and Mesopotamia.

FRANCE : Syria, French control and administration here being limited to the coast towns and a narrow inland strip including the province of the Lebanon, while

<sup>1</sup> The United States of America, of course, joins this group upon ratification of the Treaty.

the interior, including the principal cities, has been controlled and administered by an Arab Provisional Government with its headquarters at Damascus.

The States or Dominions named above are those which have been chosen by the Principal Allied and Associated Powers to govern the territories indicated as Mandatories—or Trustees—for the League of Nations.

Armenia and Albania have not been included in the tabulation, as their status is somewhat irregular. Both will quite probably be administered some day under Mandates, but no Mandatory Power has yet been chosen for Armenia, and no one foreign State has thus far been charged with the administration of that territory.

Albania was never a possession of the Central Empires, but the Principal Allied and Associated Powers provisionally agreed in 1919 that Italy should be entrusted with the trusteeship for that region. At present Albania is occupied in part by all three of the neighbouring States—Greece, Italy, and Serbia; although much of the country is controlled by an independent but unrecognised Albanian Government.

### *The Mandate Theory—Developments of the Immediate Past*

None of the Mandate Territories are to be held as ordinary colonial possessions. Article 22 of the Covenant makes that clear. Before examining the significance of this trusteeship in more detail, however, let us consider how and why this new system came into existence. In order to do that, we must revert to the War itself, which was, in essence, not merely a war of defence, but of liberation, and the concept of liberty widened during its course.

France sought again the children torn from her almost half-a-century before; Italy turned her eyes toward her Irredenta; Serbia and Roumania remembered their own who were forced to fight beneath alien and hostile banners against their brothers; the Greeks and the Armenians,

oppressed beneath the Crescent, once more dared to dream of liberty. Meanwhile, across the Atlantic it was even said that "Peoples are not to be handed about from one sovereignty to another by an international Conference or an understanding between rivals and antagonists. National aspirations must be respected ; peoples may now be dominated and governed only by their own consent."

But besides the peoples of Europe who were to be freed from bondage, there were others who had been subjected to the yoke of Germany and of Turkey. The world had forgotten neither the Hereros of South-West Africa nor the Armenians of Turkey ; and they, too, must be liberated. The principle was accepted as self-evident ; the only question was one of method.

Under the conditions prevailing at the outbreak of the War the problem of the alien races subject to the Central Powers was twofold : there were territories which, geographically adjacent and possessing the same general type of civilisation, had been forcibly annexed by conquest, and which owned at best a compulsory and unwilling allegiance—Alsace and Lorraine, the Trentino, Croatia, and Transylvania ; and there were territories widely sundered geographically and far inferior in civilisation to their suzerains—the African and Oceanic colonies of Germany ; while in Turkey racial and religious antagonism united to set Arab, Jew, and Armenian against the common oppressor, the Osmanli.

As regards the European peoples, the issue was clear. The various Irredente were to become Redente, and the Slavic peoples were to form independent States. Moreover, the universal sympathy for Armenia predetermined the fate of Turkey ; and finally, it was realised that Germany had forfeited all right to her possessions overseas, alike by her mode and by her purpose of colonisation.

Thus the Colonial Question gained new importance for the Allies, especially as Great Britain, France, Italy, Portugal, Belgium, and Japan already possessed overseas domains.

Gradually it became evident that, as this War was unlike any other war, so the Colonial Problem could no longer be settled along the old lines ; and a new step was taken by President Wilson when, on January 8, 1918, he postulated, as one of the "Fourteen Points," that in determining all questions of colonial sovereignty "the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined."

The Fourteen Points were, however, even more explicit, for in the twelfth President Wilson insisted that "the nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development." The problem, as it presented itself to the Conference at Paris, was thus twofold : the creation of a new principle of administration of the backward and oppressed alien races freed from German and Turkish oppression ; and the translation of this principle into action.

The solution of the problem of creating a principle, as proposed at the Peace Conference at Paris, is contained in Article 22 of the Covenant of the League and will be found reprinted in the Appendix ; and it is perhaps significant that the concept of the Mandate was introduced by one who was neither British, American, nor European by birth, who knew colonial requirements by life among backward peoples from his boyhood, and who, equally distinguished as soldier and as statesman, had begun his brilliant career in arms against the very Power which he was as brilliantly later to defend. The author of the Mandate clauses was Lieutenant-General Jan Christian Smuts, Prime Minister of the Union of South Africa ; and it would seem that he derived the idea ultimately from Roman law, for the Common Law of the Union of South Africa is Roman-Dutch, *i.e.*, the uncoded law of Holland as it was at the date of the cession of the Cape in 1806. It was necessary only to transfer the concept of Mandates from Private to International Law, and to retain unchanged the

principle of Justinian's precept: "He who discharges a mandate may not exceed its limitations."

*The Theory applied—three Types of Trusteeship*

From the discussions which followed in Paris upon General Smuts' original concept, there emerged the vital decision to divide Mandates into three classes as follows:

"A" Mandates: the non-Turkish portions of the former Ottoman Empire (Armenia, Arabia, etc.).

"B" Mandates: German East Africa, Togoland, Kamerun.

"C" Mandates: German South-West Africa, Nauru, German Samoa, and other ex-German Pacific possessions.

The theory and the application of the Mandates were worked out at the Peace Conference in two Commissions; the Commission on German Colonies and the Commission on the League of Nations; and the problems also came repeatedly before the Council of Ten, as well as before the successors of that body. It is important to realise, moreover, that the elaboration and definition of the Mandate theory, as it stands to-day, is neither a British, a Dominion, a French, an Italian, an American, nor a Japanese document. It bears the impress of the contributions of each, but is, when all is said, an Allied and Associated document battling to preserve and advance the liberty which the Allied and Associated Powers have won in war. It is now necessary to explain the purposes underlying the division of Mandates into these three classes.

"A" Mandates.—In essence, "A" Mandates are applicable to communities which, although recognised as independent nations, are under the administrative advice and assistance of the League for their proper development. The Covenant itself provides that such Mandates are to be conferred on certain communities formerly belonging to the Turkish Empire, and that the wishes of the communities must be the principal consideration in the selection of the Mandatory

Power; it does not, however, provide that an "A" Mandate may not quite properly be conferred on communities outside the former Turkish Empire, and the situation at the present time with regard to Armenia and Albania is not greatly different from that with regard to Mesopotamia, Palestine, and Syria. When an "A" Mandate is drawn up for any one of these districts, it will probably provide for the constitution of the country concerned into an autonomous territory under the guarantee of the League of Nations; and the Principal Allied and Associated Powers, acting on behalf of all the Allied and Associated Powers, will probably confer upon a given State a mandate to advise and assist in the administration of this autonomous territory. The Mandate will doubtless be made to terminate when the territory shall become fully self-governing, and in order to prepare for this the Mandatory Power will be obliged to organise from the outset political and administrative conditions which will enable the populations to develop their own responsible government. Further details regarding the authority and the privileges of the Mandatory Power will also be given by the Council of the League.

*"B" Mandates.*—The "B" type of Mandate applicable solely in Central Africa will not contemplate the ultimate establishment of an independent government, as in the case of "A" Mandates; but, on the other hand, it will not permit any form of direct connection with the Mandatory Power or Dominion. The powers and privileges of the latter will be defined in considerable detail; and the Mandatory State will be obliged to respect all local religious institutions, to safeguard the liberty of the subject, to refrain from raising military, naval, or aerial forces, except for purposes of local defence, and to apply the "open door" to all subjects or citizens of any State Member of the League of Nations.

*"C" Mandates.*—The "C" type will be concerned with those territories "which, owing to the sparseness of their population, or their small size, or their remoteness from the

centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory."

• Finally, in all cases where a Mandate has been granted, the Mandatory Power will have to submit annually to the Council of the League a report satisfactory to that Council, and it will be unable to modify any of the terms of the Mandate or to amend the organic law without the approval of the League of Nations ; and any dispute which may arise as to the interpretation or application of the Mandate must be submitted to the Permanent Court of International Justice to be established by the League of Nations.

### *Mandates versus Colonies*

Although territories of the "C" type are thus placed under "full power of administration and legislation" of the Mandatory Power or Dominion "as an integral portion" of it, they are not annexed to it in any real sense of the term. This appears very clearly from the fact that the Mandate is to be conferred by the Principal Allied and Associated Powers upon a Power or Dominion chosen by them jointly, such Power or Dominion being expressly bound, by the terms of its acceptance, to execute the same on behalf of the League of Nations and in accordance with certain specified provisions. The limitations of the powers of the Mandatory are still more evident when we remember that it is expressly obligated to make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this Mandate ; while "the degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council." Such procedure is quite impossible to prescribe in an Annexed Territory, for

Annexed Territory loses its former status altogether, and becomes an integral part of the dominions of the annexing Power; and it would be an intolerable breach of the sovereignty of a State to require it to give an account of its internal administration to any Power or group of Powers whatever. However grievously the moral sentiments of the civilised world may have been outraged by the treatment of Schleswigers, Alsatians, or Hereros by the Germans, or however horrified were all right-thinking men in every country by the massacres of Armenians at the instigation of the Turkish Government, there was no redress for these peoples except by war. Under the conditions of the Mandate, on the contrary, such possibility of barbarism vanishes; and adequate means of control are afforded by the reciprocal and mutually supplementary terms of the Covenant and the Mandate to prevent not merely gross abuses of peoples, but even minor wrongs of individuals—all without recourse to force of arms.

*How the Covenant Applies.*—Mandated territories do not, therefore, form part of the sovereign domain of the Mandatory Power or Mandatory Dominion, but are merely attributed to it on condition that it fulfils definitely specified obligations; if the Mandatory Power or Mandatory Dominion fails in its duties, or transgresses or violates the requirements laid upon it, it can be deprived of its Mandate, which will then be conferred by the League of Nations on a more worthy Power or Dominion. If, moreover, any dispute regarding mandated territories should arise, the procedure to be adopted is clearly indicated by Articles 12 to 16 of the Covenant of the League of Nations, which provide for arbitration or inquiry by the Council of the League, and which permit economic or military pressure only in most extreme cases, after all the resources of arbitration and diplomacy have been exhausted. On the other hand, it can scarcely be claimed that the much-discussed Article 10 of the Covenant is here concerned. This Article, it is true, binds the members of the League "to respect and

preserve as against external aggression the territorial integrity and existing political independence of all members of the League"; but if, as we have just seen, mandated territories do not constitute a part of the "territorial integrity" of the Mandatory Power or Dominion, it obviously follows that aggression against a Mandatory Territory would not of itself affect the "existing political independence" of such Mandatory Power or Dominion. The remedy for such aggression is, indeed, fully provided for by the Covenant; but the Articles here pertinent are 12-16, with Article 11 for extreme dangers; and Article 10 does not apply to aggression of any kind against Mandated Territories, whether of the "A," "B," or "C" types.

*Mandate Administration strictly National.*—While the responsibility for the Mandate area is of an international character the administration is strictly national. The League of Nations exercises control over the Mandatory Power or Dominion only in one respect—for the protection and advancement of the native inhabitants of the Mandated Territory. This in itself marks a distinct step in advance. Superficially, many might deem it best to place these Territories under international control; and plausible arguments have been advanced to support such form of administration. The *condominium*, i.e. the sharing of sovereignty over one territory by two or more nations, has never, however, given satisfaction in practice, since it is difficult to fix responsibility under such a system. The World War caused one of the few remaining examples of this form of government to vanish by the removal of "neutral" Moresnet, on the former Belgo-German frontier, from the joint control of Belgium and Germany to the sole sovereignty of the former. (Article 32 of the Versailles Treaty.) Only Andorra, jointly controlled by France (as inheriting the domains of the Counts of Foix) and the Spanish Bishop of Urgel, and the New Hebrides, jointly administered by France and Great Britain according to an Anglo-French Convention ratified October 20, 1906, survive as *condominia* :

but this mode of government is admitted to be open to grave criticism, at least as regards the New Hebrides.<sup>1</sup>

The endeavour to preserve Spitzbergen and Bear Island as a *terra nullius* under the joint supervision of Norway, Russia, and Sweden proved so impracticable that by treaty between the United States, Great Britain, Denmark, France, Italy, Japan, Norway, the Netherlands, Sweden, and Russia (the latter to be invited to adhere so soon as she should possess a recognised Government), the entire group has been placed under the exclusive sovereignty of Norway.<sup>2</sup>

It would be doubtful wisdom to attempt again, even under the League of Nations, a system which past experience has shown to be generally unsuccessful, and other forms of international control which might be applied in restricted areas of critical importance in Europe seem much less practicable in Africa and in the Pacific. Success in the experiments in the Saar Valley and Danzig would alone seem to warrant an extension of government by International Commission.

But if international control is inadvisable for Mandated Territories, purely national control is not without dangers. Gross abuses, for instance, were charged against the administration of the Belgian Congo, when, as the Independent State of the Congo (previous to 1908), it was attached to Belgium through the Personal Union of Leopold II.<sup>3</sup> Moreover, even the best of nations, like even the best of men, are subject to temptations. One of the chief objects of the Mandate is to prevent a Mandated Territory from becoming an Annexed Territory, or Protectorate, or even a "Sphere of Influence," and the only way in which this end can certainly

<sup>1</sup> The *condominium* of the New Hebrides was frankly a *pis aller*; cf., *inter alia*, H. E. Egerton, *Short History of British Colonial Policy*, 5th ed., London (1918), pp. 402-403; *France and England in the New Hebrides*, Melbourne, 1914.

<sup>2</sup> For a summary of the diplomatic history and the international relations of this problem, see *Spitzbergen and Bear Island*, by L. H. Gray, Washington, 1919, with reference and bibliography there given.

<sup>3</sup> Cf. A. Wauters, *Histoire politique du Congo belge*, Brussels, 1912; A. B. Keith, *The Belgian Congo and the Berlin Act*, London, 1919.

be attained is by the supervision and control of the machinery of the League of Nations, just as the only alternative to the system of defensive and offensive alliances and of rival "balances of power" lies in the existence and full functioning of the League. They who will not choose the latter must, whether they will or no, make the best of the former—there is no third alternative.

If the minutes of the discussions at Paris regarding the principle and execution of the Mandates were generally available, they would doubtless show certain facts which would go far toward dissipating conceptions which can scarcely be regarded as correct. It would be seen that the League of Nations was expressly declared to be neither a Super-State nor an additional State created among other States; and it would be equally evident that the Covenant lays down general principles, leaving details to be considered as they may arise. To take the concrete case of the Mandates, the Covenant gives merely a broad classification and most general suggestions; the Mandates, as framed first in type-forms for each of the three classes, and then in a separate Mandate for each Mandated Territory, give the details; but even these Mandates, like the Covenant itself (Article 26), are liable to amendment and change. The scheme is remarkably elastic and susceptible of development; but it does insist that the welfare of the Mandated Territories shall be advanced in every way, and that the ultimate responsibility of the League of Nations shall be recognised.

### THE CENTRAL MANDATES COMMISSION

Such, then, are the scope and the purpose of the Mandates; but the question of the method and of the manner of their execution and fulfilment is still to be considered; and this is, in a very real sense, the most important of all, as forming the test of success or of failure.

In the first place, it will be observed that the Covenant of

the League of Nations says very little concerning the actual mandate organisation which is to be created, stating merely that :

In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the Mandates.

This deliberate abstention from entrance into details is most wise, since it gives full scope for expansion or contraction of rights and duties in each Mandated Territory as future events in every such region may prescribe. It is evident, therefore, that the *modus operandi* of the Mandate Commission must be as simple as possible. Its functions, be it remembered, are not administrative. Its only duty is to determine whether the Mandatory Power or Mandatory Dominion carries out its Mandate in the proper manner; that is to say, for the exclusive benefit of the inhabitants of the Mandated Territory, and in conformity, both in letter and in spirit, with the Mandate conferred upon it by the League of Nations, of which it is but a trustee.

In the actual administration of the Mandated Territory, the Mandate Commission has no clearly expressed right to interfere, and this is equally true of the League of Nations itself.

On the other hand, as we have already seen, every Mandatory Power is obliged to make an annual report to the Council of the League; and in consequence of the relationship of the Mandatory Power to the League, the Council, or any State Member of it, has the clear right to demand that the

report be satisfactory, and that it be accompanied by all the supplementary data which the Council may think necessary. If, moreover, there should ever be a clear, wilful, and persistent failure to execute the terms of the Mandate, it would be the duty of the Mandate Commission to bring the matter before the Council; and the League alone can take final action in such manner as shall meet all moral, legal, and international requirements.

It is obvious that no complex and intricate regulations are needed to accomplish this end. On the contrary, the workings of the Commission, like those of the League as a whole, must be as unobtrusive as possible. It will, indeed, be proof that all goes well if there is no conscious feeling that the League and its various Commissions are functioning. Yet, paradoxical though it may seem, this does not mean that League and Commission are superfluous. We may find a parallel in the ordinary law of any corporation or club. So long as this organisation conducts itself in an upright and honourable manner, it feels no constraint of the law; it is not in the least disturbed, for example, by the various penalties attaching to misappropriation of funds; and the auditors who examine its books are regarded as friends who confirm its dignity and good standing. Nevertheless, it is aware that punishments for malversation exist, and that they are necessary for the very existence of all corporations and clubs. So with the Mandate Commission, which holds, toward the Mandatory Power or Mandatory Dominion on the one hand, and toward the Mandated Territory, on the other hand, quite the same relation as that occupied by the auditors as between the corporation or club and the shareholders or members.

*The Composition of the Commission.*—But if simplicity of operation should be the guiding principle of the Mandates Commission, it would also follow that it should be restricted to the fewest possible numbers. No plan for its composition has yet been agreed upon, and it seems scarcely worth while to enter into any detailed discussion of this problem with the

limited space at our disposal. The Commission, however, must be so constituted that it can constantly bear in mind three points of view : international interests, since in modern civilisation what affects one region of the world has repercussions in every other portion ; national interests, since the rights and dignity of the Mandatory Power or Mandatory Dominion are intimately concerned ; native interests, since the promotion of the welfare of the Mandated Territories is the primary object. Further, each of these must be considered from at least two aspects : the general and the special. Each area has its peculiar problems ; for example, the native legal systems prevailing in tropical Africa are entirely unlike those which obtain in the ex-Ottoman territories. For all such questions experts are necessary : but it must be borne in mind that the expert is liable to grave errors as a result of his very specialisation. He is apt to lose his sense of perspective and to force facts to agree with theories, rather than to shape theories according to facts ; he inclines to become either unduly enthusiastic—even sentimental—or morbidly hostile and hypercritical. It is necessary, then, that the contributions of the experts—who are absolutely indispensable, and whose investigations, conclusions, and advice should in all cases be sought and carefully considered—be controlled and correlated from a general point of view ; and that experts and general advisers bear patiently the buffetings that each must give the other to attain the common weal.

But the Mandates Commission must be more than a group of experts and general advisers studying problems at the seat of the League of Nations. This Commission is not, in a sense, dealing with problems at all ; at least, it is not investigating them as abstract questions. It is concerned with human beings, and—whatever else it may forget—this it must always remember. Its members must possess all knowledge—native law, native religion, native psychology, native customs, methods of combating disease and vice, understanding of

climatic, geographical, and economic conditions, principles of colonial administration throughout the world from the beginning; all this, and more, must be familiar to them—but their knowledge is nothing unless it serves for the promotion of the welfare of those over whom for a time they exercise tutelage. They must, then, possess the greater gifts of understanding and of tact—tact not only to understand and to sympathise with their wards, but to reconcile differences that conceivably may arise, not merely between peoples within a given Mandated Territory, but between that Territory and the Mandatory, or even between neighbouring Territories or between neighbouring Mandatories. Further, there is much to be said for representation of the Commission, not merely at the seat of the League, but by travelling commissions who would visit the various Mandated Territories, that full and unprejudiced reports may be presented by qualified officials personally conversant with conditions in the regions under consideration; and they will, in all probability, receive a wealth of unofficial advice and suggestion, much of which will doubtless possess a value entitling it to serious consideration and, perhaps, adoption. The principle here must be absolute freedom from racial prejudices, and a rigid sense of justice must permit the balance to be swayed neither by fear nor by favour.

If, however, the Mandates Commission stands for certain things, there are other things for which it does *not* stand. As we have seen, it is not a complicated machine, nor is it an obtrusive and meddlesome organisation. Neither is it a court of appeal for complaints of minor importance. All such grievances should be settled, so far as possible, within the Mandated Territory by the Mandatory Power or Mandatory Dominion. When such attempts have been made and have failed, however, the controversy might, perhaps, be brought before the Mandate Commission, which, if it could find no solution, might refer it informally for adjudication to the Council of the League or to some organ designated by

the Council. It is equally requisite that the Mandate Commission shall not degenerate into a bureaucracy. Both its competence and its limitations must be clearly and publicly defined with the utmost possible exactness, with all provision, of course, for such modifications as future circumstances may direct. But, at the same time, it must avoid the danger of becoming a closed circle. It must co-operate in fullest measure with its fellow Commissions; and if it draws help from them, it must be ready to assist them in return. It will do well to consider all problems concerning backward countries, whether they are under foreign tutelage as Colonies or Protectorates; or whether they are independent, but in need of advice, assistance, or administration; and general international conventions for the promotion of the welfare of backward peoples, such as the Convention for Control of Traffic in Arms and Ammunition, or Conventions which may prove necessary in future for the advancement of the less progressive nations, will best come within its domain. All peoples, whether in Mandated Territories or not, may perhaps come to seek from it needed advice and counsel; and the reports which it publishes should not be merely perfunctory records, but must be fertile in suggestion for the future as well as in data regarding past and present conditions.

There are few, if any, European countries that have not made mistakes in the past in their government of the native races of Africa, and there still exist in the Dark Continent many abuses which require the searchlight of public opinion throughout the civilised world. The example of successful administration in any one of the Mandatory Areas on the basis of "Trusteeship for the Native Races" will go far to encourage the raising of the standard of administration in other parts of Africa to a higher level. The League of Nations will, therefore, have an opportunity of taking a hand in the great task of educating and uplifting the backward races of the world and in securing them against national or individual exploitation by others; while as regards the

more highly developed races, such as the Arabs of Mesopotamia, it will be the means of their gradual evolution to restored independent national existence after four hundred years of oppression by an alien conqueror.

The task of the Mandate Commission is not an easy one, but it can and must be done. Much naturally depends on the personnel of the Commission itself and on those members of the Secretariat of the League who are associated with it. George Louis Beer of New York, endowed with every quality requisite for the high and difficult position of foremost pioneer in this field, was chosen during the closing days of the Paris Conference as Chief of the Mandates Section of the International Secretariat. He did much original planning in the new realm of Indirect International Supervision, but he was taken prematurely from the service of mankind early in 1920, and his place is no easy one to fill.

The Mandates, however, are still a vision, though the League of Nations itself is a fact. Here is the situation. It was agreed at the Paris Conference that the Principal Allied and Associated Powers should divide up the territory among the Powers which were to be given mandates. The Principal Allied Powers were also to agree upon the specific terms upon which the Mandates were to be granted. The territory has been divided up, as we have seen, but entire agreement has not been reached on the terms of certain of the Mandates. No Mandates have therefore been granted, although it is over six months since the League came into existence. This is not the fault of the League, but the situation is nevertheless most unfortunate, as none of the mandate principles can be enforced. •

How long are the Mandates to remain a vision? That is a question for the Principal Allied and Associated Powers, and we cannot believe that they will dally much longer in striving to attain that liberty toward which mankind has struggled with many slips and many falls through weary centuries; yet ever mounting upward. So real is this Liberty

that we should be well content to circumscribe our own freedom in some petty details that it may abound. We have learned Rights ; we have learned the harder lesson of Duties ; now we shall learn the paradox—and all real truths are paradoxes—that only in Self-Limitation for the welfare of others can we ever realise our own and perfect Liberty. This is the lesson and the meaning of the Mandates and of the League.

## SECTION II

### PROTECTION OF MINORITIES

The people of Mandated Territories are placed under the general guardianship of the League because they are not able to stand on their own feet. It was the feeling that they might otherwise be crushed or even exterminated by more powerful forces which led the Paris Conference to approve this guardianship. It was perhaps somewhat the same feeling which was responsible for the very positive recognition at Paris of the rights of racial, religious, and linguistic minorities within sovereign States, and of the international interest which existed with regard to the maintenance of these rights. This question is a most delicate one. It is easily misunderstood, and certain further explanation is necessary if it is to be realised in its right proportions.

In drawing the frontiers of the new Europe, the Conference endeavoured to keep to the general principle of ethnical frontiers. The problem was to draw boundaries which, while including in a country all nationals of that country, should not at the same time incorporate people belonging to other races. To a very large extent this has been done, but in practice it was found not always possible to identify an ethnical with a geographical frontier. On the one hand, the necessities of physical geography, and still more the binding force of economic needs, often rendered it necessary to leave

outside a frontier scattered groups of nationals which, on a strict application of the ethnical principle, should have been included in the new State. Nor was this all. The curious admixture of races in South-Eastern Europe had led to the growth of little islands of alien populations isolated in wide seas of the dominant nationality. As good instances of this the Hungarian and Saxon settlements in the middle of Transylvania, or the Albanian colonies in Serbia and Greece may be cited.

How was the moral principle involved in the doctrine of nationality to be reconciled with the geographical necessity of leaving the units of one race isolated within the political frontiers of another? The only solution of this problem was to constitute such isolated elements as "recognised minorities," and to accord them protection within the State under which they had of necessity been incorporated. The idea was no new one. The Congress of Berlin had, in fact, endeavoured, with no success, to do the same for the Jews in Roumania; there was a somewhat vague privilege of protection which had devolved on France in the case of all Catholics in the Turkish Empire. It remained, however, for the Conference at Paris to place the matter on a firm and definite basis. It was realised that to give to any group of the great Powers of Europe special rights of protection over minorities in the new States would not only be resented by these States as offering opportunities for interference, but would lead to evasion, owing to the proverbial lack of co-operation among the Great Powers. The League of Nations, however, offered no such disadvantages. It stood above the jealousies and competitions of the individual Powers. It was unbiassed and it was co-ordinated. Its authority and supervision would not be derogatory to the new States, since they would be merely placing their minorities under an authority of which they themselves formed part.

It was with this in view that the Minority Clauses, which figure in all the new Treaties, were framed. The first of these

special instruments was that in connection with the constitution of a Polish State, and it is, in fact, upon the Polish Treaty that the remaining Treaties have been modelled. Let us, therefore, examine the Polish Treaty as an example of what is meant by Minority Clauses.

Under Article 93 of the Treaty of Peace of Versailles, Poland agreed to embody in a Treaty with the Principal Allied and Associated Powers such provisions as might be deemed necessary by these Powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language, or religion. In accordance therewith a Treaty was concluded between the United States of America, the British Empire, France, Italy, and Japan on the one side, and Poland on the other side. It was signed at Versailles at the same time as the Treaty of Peace with Germany,—on June 28, 1919. This Treaty was ratified by the British Empire, France, Italy, Japan, and Poland, and came into force on January 10, 1920.

The purpose and the importance of this Treaty can be explained in no better way than by quoting some of the leading passages of the letter from M. Clemenceau, President of the Peace Conference, to M. Paderewski, Chief of the Polish Delegation, dated June 24, 1919, by which M. Clemenceau communicated to him the text of the Treaty in its final form.

M. Clemenceau pointed out that this Treaty did not constitute any fresh departure. It had for long been the established procedure of the public law of Europe, that when a State was created, or even when large accessions of territory were made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such a State should, in the form of a binding International Convention, undertake to comply with certain principles of Government. By the requirement addressed to Poland—at the time when it received in the most solemn manner the joint recognition of the re-establish-

ment of its sovereignty and independence, and when large accessions of territory were being assigned to it—no suspicion was cast upon the sincerity of the Polish Government and the Polish Nation to maintain the general principles of justice and liberty. M. Clemenceau went on to say: "It is indeed true that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected, which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted, so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty. I should desire, moreover, to point out to you that a provision has been inserted in the Treaty by which disputes arising out of its terms may be brought before the Court of the League of Nations. In this way differences which might arise will be removed from the political sphere and placed in the hands of a judicial Court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided."

M. Clemenceau further expressed the hope that the very knowledge that the Minorities guarantees exist will materially help the reconciliation of the populations concerned, and do much to prevent the necessity of their enforcement.

To turn to the individual clauses of the document. Article 1 stipulates that the general Minority Clauses of the Treaty

shall be recognised as fundamental laws in Poland. Under Article 2 Poland undertakes to assure full and complete protection of life and liberty to all inhabitants within her borders without distinction of birth, nationality, language, race, or religion. All these inhabitants are entitled to the free exercise, whether public or private, of any creed, religion, or belief, whose practices are not inconsistent with public order or public morals. Articles 3, 4, 5, and 6 are designed to ensure that all the genuine residents in the territories transferred to Polish sovereignty shall, in fact, be assured of the full privileges of citizenship. Articles 7 and 8 provide against any discrimination against those Polish citizens who by their religion, their language, or their race, differ from the large mass of the Polish population. In the same letter mentioned above M. Clemenceau stated: "It is understood that far from raising any objection to the matter of these Articles the Polish Government have already, of their own accord, declared their firm intention of basing their institutions on the cardinal principles enunciated therein."

Articles 9, 10, and 11 of the Treaty provide more special privileges to certain groups or minorities.

Under Article 12 of the Treaty Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of International concern, and shall be placed under the guarantee of the League of Nations. This Article also provides rules for dealing with infractions of the foregoing Articles or with differences of opinion as to questions arising out of these Articles.

The Council of the League of Nations during one of its first meetings considered the Polish Treaty, and passed a resolution on February 13, 1920, whereby the required guarantee was given.

Such, then, is the general scope of the instruments by which the Conference at Paris has endeavoured to safeguard the interests of isolated minorities. Similar Treaties as that

with Poland have been concluded between the Principal Allied and Associated Powers, on the one hand, and Czechoslovakia, the Serb-Croat-Slovene State, and Roumania on the other. Analogous stipulations are inserted in the Treaties of Peace with Austria and Bulgaria, and a Minority Treaty has also been prepared with Greece. As regards the Treaty of Peace with Turkey, the question is far more complicated. The Christian minorities left in Turkey will require more definite and more continuous protection than those isolated within more civilised countries. The Supreme Council are fully aware of this, and it is probable that when the Minority Clauses of the Turkish Treaty are published, it will be seen that they are more explicit and provide for a far greater measure of control than is the case with those which we have been considering.

## VIII

### REDUCTION OF ARMAMENTS

By EL VIZCONDE DE EZA, Spanish Minister of War.<sup>1</sup>

MANKIND is attempting in the best possible spirit to solve the gigantic problems which must be faced if the laborious task of completely reforming existing conditions is to be accomplished. Whatever be the point of departure for such an attempt, it can never be so lofty as to attain complete success. Those who undertake to find the best system of international life must indeed become conscious of their incompetence before the magnitude of a problem which has been passionately discussed for generations. Nevertheless, the evolution of centuries seems to show us that a system devoted entirely to justice and the prevention of war must eventually triumph, and give us the desired solution embodying those fundamental principles which underlie that Society known as the League of Nations.

Such a lofty ideal, which guided the Hague Conferences and which is now developing into a reality, needs, as do all ideals worthy of the name, to be accepted in its entirety by all peoples ; and according to Gustave Le Bon, this ideal should

<sup>1</sup> AUTHOR'S NOTE.—A debt of conscience compels me to give public thanks to Major-General Don Manuel Agar, to Staff-Majors Don Valentin Galarza and Don Manuel Goded, and to Major Don Cesar Serrano, for the purely personal assistance which they have rendered me in the publication of this work. Without their help, pressure of time would have prevented its appearance, and for this reason I desire to lend authority to my signature by adding their names.

be founded upon a mystic and emotional basis. It does not imply any kind of revolt against existing conditions, but as it is faith that invariably triumphs, the League of Nations must inspire the mind of the masses by the mystic aspect that arises within itself.

In order that Internationalism should influence the history of mankind in a profound and lasting manner, an idealistic and highly moral revolution must take place. It must be built upon a spiritual foundation that will reach the heart of the masses and that will make all political, juridical, and scientific enterprises possible in the solution of the great problems which have fallen to the League of Nations. This is necessary if we are to say to those who suffer: "This is the end of suffering," to all intellectuals: "This is light," and to all men: "This is life and truth."

There is no need to describe in detail the various social systems upon which an International Code could be based, but it is essential to recall Article 8 of the Covenant accepted by the various plenipotentiaries at the great Peace Conference. A perusal of this Article will make clear the general lines which are to be followed in the search for an adequate solution of this difficult problem. The Article reads as follows:

"The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety, and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

"Such plans shall be subject to reconsideration and revision at least every ten years.

"After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

“The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

“The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes, and the condition of such of their industries as are adaptable to warlike purposes.”

And Article 9 adds: “A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval, and air questions generally.”

We are faced here with a question of supreme importance affecting the relationship between armaments and the industrial life of the nations. The study of the future of military forces is of such moment that it alone justifies the existence of the League. It is a study which will give rise to great controversies and to the expression of widely divergent and antagonistic views ranging from almost complete disarmament to the conception of groups of States united into powerful and competitive alliances.

All these opinions are undoubtedly based on a feasible hypothesis, and are worthy of consideration, but if we accept the most unfavourable of them and admit that the cycle of wars has not terminated with the recent formidable conflict and that armament problems are still unsolved, then we are confronted with the necessity of resorting to war to fix the balance of power; and we must utilise the lessons which the late war has taught us, adopting, first and foremost, the nationalisation of war industries. This principle has developed into a national dogma, since the armies have become nothing less than the

massed nations themselves, and the battle-fields have been transformed into gigantic manifestations of internal industrial activity. Warfare is no longer the shock of elements studiously prepared in time of peace, but the stimulated force of the entire energy of the nation. The classical principles of war are thus replaced by a simple coefficient of manufacturing power.

The recent war has proved the belligerent nations to be capable of an intensity of production—and consequently of offensive power—which will make efficiency a terrible weapon. This aspect of armaments is of such importance and variety that no certain and simple solution of it can be stated. But it is evident that modern industry can only become the centre of a complete and recognised military organisation, and that all the military and industrial forces of the nation will be developed to such an extraordinary extent that the expressions “industrialisation of the army” and “militarisation of industry” will come to mean one and the same thing.

From an analysis of Article 8 it would appear that, as the principal objective of the League is the maintenance of peace, national armaments must be reduced, not perhaps to the first of the above-mentioned extremes—viz. absolute disarmament—but rather to a minimum compatible with national security and with the geographical situation of each nation.

It is therefore necessary to establish a programme of reductions, which the Council of the League will submit to the Governments. The latter, once they adopt this programme, will not be permitted to go beyond it without the consent of the Council. Consequently, as the Article permits this programme to be revised from time to time, and further, as the members of the League are pledged to exchange, without reserve, all relevant information, there can be no doubt that the final result will not only satisfy the world's general aspirations but will also determine the standard of armaments and military organisations in the case of each individual nation.

From this complicated problem there arises the following question: What are armaments, and on what principles can

the comparison of the destructive powers of the various arms be based? Is an aeroplane of the same value as a tank, or a torpedo-boat as a submarine? What common methods can be adopted to determine the comparative destructive power of arms and to deduce their proportion and class? The individual nations undoubtedly will continue to draw up their defensive programmes to no common standard.

The best plan would probably be to consider, in the first place, the offensive and defensive nature of armaments themselves, and secondly, the total number of available men. For example, a State whose defences are reduced to mere coastal batteries is less aggressive and does not menace the world-peace to such an extent as a State possessing an enormous amount of modern mobile artillery.

These difficulties would be insuperable if an atmosphere of scepticism and doubt were created. If, as a result of the lessons of the war, public interest were to become apathetic regarding the question of armaments, we should inevitably return to the former vicious circle of armaments and counter-armaments. If, on the other hand, public opinion is bold, aggressive and insistent, if the idea of reduced armaments is accepted, if all opposition is overcome, it will make its voice heard; the vicious circle will be broken, the world will become free to dedicate its energies to normal and fruitful development for an endless epoch of peace.

The bases for the realisation of this part of the great ideal which inspires the League must be equality and strict justice, which bring up various problems: one, to calculate the number of armed effectives in proportion to the population of a country (in connection with this, it is possible that an empirical formula might be compiled with special coefficients that would be applicable to every State in the world); another, to limit military expenses amongst the nations to a percentage proportional to pre-war conditions.

In applying the formula chosen, it must also be remembered that before the war the Powers did not all give equal attention,

nor make the same provisions, in the matter of armaments. Some Powers were in a state of armed peace, with powerful armies and fleets prepared for an offensive, whereas others were admittedly defenceless. It would therefore result, taking pre-war expenses as a basis, that the first-mentioned Powers would dispose of considerable forces, whereas the others would be disarmed and at the mercy of those who had been better prepared. Hence it follows that pre-war budgets cannot be taken as a basis when a solution on principle or equity is attempted.

Neither would it appear fair to utilise the total population as a basis, because the geographical situation and particular circumstances of each country (communications, mineral wealth, industrial life, agriculture, etc.) are so varied that it is impossible to balance them one against the other. Powerful resources possessed by strong bordering States would be a continual menace to weaker Powers, and again, a Power with only one frontier would not be in the same situation as a Power possessing several.

There is another consideration which cannot be ignored: that is, that the late war has left the belligerent States in an extraordinarily advantageous position from the point of view of military organisation and training of personnel. Since the majority of their population has already been mobilised, all those now between the ages of eighteen and forty-five years are liable for re-enlistment and know their military duties thoroughly. Moreover, the military spirit has been instilled into them and has familiarised them with all the secrets of the profession.

Were the belligerents to demobilise all their forces and to be left without a single soldier, they would still be better prepared than the former neutrals. This state of affairs must naturally last a good many years, and there will be an obvious and enormous inequality between contingents of men who are pre-eminently soldiers and men who are undisciplined and untrained.

There are still further considerations. We must take into account the geographical conditions of each country—difficulty of communications, lack of railways, deficiencies in other means of transport, which cannot be easily improvised. In the case of these nations the rapid movement of troops is entirely precluded, making concentration difficult. Before arriving in the danger zone, the small army of a nation with such disadvantageous conditions might be attacked and routed by another no stronger in numbers but possessing a more complete network of communications. Hence an equal force under disadvantageous conditions must have its lack of adequate communications compensated by a proportional increase in military strength.

The question is also influenced in a marked manner by the general culture of the country. In countries where educational facilities are comparatively undeveloped and where life is difficult for the poorer classes, it is often a highly desirable remedy to resort to the army in the endeavour to raise the standard of life if not to a comfortable, at least to a tolerable condition. In the present period in particular, an adequate army must be relied upon as the only guarantee for the maintenance of order and the development of national life.

It must not be forgotten that national mobilisation applied to all human activities, is opposed to universal and lasting peace; and if the latter is aimed at as the realisation of human solidarity, an absolute end must be put to the national organisation of the public mind in preparation for war which is embodied in the proverb, "*si vis pacem para bellum*," and also of industrial and economic organisation to the same end.

Another aspect of the question which must be considered in drawing up proposals for the reduction of armaments is the actual existence of large numbers of guns, rifles, machine-guns, chemical apparatus, tanks and other inventions which originated in the late war. When we are talking of demobilisation and reduction of armaments, we cannot but ask what

is to become of these weapons of war. Will a solution be found which will compensate the great variations in power caused by the possession of such valuable material? This is one of the fundamental problems in the programme of the League, and it demands careful study in order to find the middle ground between the principles of equality and of just proportion.

The inability of certain nations to expand should also be taken into account. Their position perhaps affords them but limited territory for development of industry; but they must be offered a guarantee of expansion which will favour the interests of other nations without giving rise to jealousy or distrust.

Nations which have for years followed a policy of isolation are in very different circumstances. There is no need to attempt to place them on the same footing with those States which are capable of mobilising 13 per cent of their total population; but if they are not to become totally defenceless they must be in a position to mobilise an effective number of men and to maintain an army sufficient both for national defence and to accomplish any external mission entrusted to them.

Many details may be worked out in particular cases, but the present moment is not opportune for their discussion. This is rather the task of the military, naval, and air sub-commissions organised by the Permanent Commission at the meeting at San Sebastian. But a succinct programme as a basis of study may perhaps be outlined.

There is first needed an analysis of the States which on account of the number of their effectives must be considered in the scheme for the reduction of armaments, and a determination of the States which must be excluded from such a scheme on account of their special circumstances, insufficiency of means, or lack of development.

A second important factor will be the definite agreement accepted by nations requesting admission to the League, as

in accordance with Part V. of the Treaty of Peace the reduction of the military forces of certain Powers is now in process. This will facilitate a general limitation of armaments.

It is also to be hoped that the data which the naval sub-commission is seeking will be supplied in accordance with Annex VI. to Article III. of the agreement, with regard to the exchange of frank information as to the scale of armaments and of naval, military, and air programmes, and also as to the position of those industries which are capable of adaptation to war-like purposes.

Unless these things are done, how can we assume that we shall reach the ideal? Who will deny that a gigantic step towards universal peace has been taken, and that History to-morrow will recognise the merit of this great work of the League of Nations?

### EDITOR'S NOTE

The first meeting of the Permanent Commission on Armaments was held on August 3 at San Sebastian during the session of the Council. After short speeches by M. Quiñones de León, a member of the Council, who welcomed the delegates in the name of the King of Spain, and by M. Bourgeois, General Fayolle of France, and General Echagüe of Spain, the Commission started upon its work. Its first task was to organise into its three sub-commissions, military, naval, and aerial, and to select the following officers:

#### MILITARY SUB-COMMISSION

*President*—General de Ceuninck of Belgium.

*Secretary*—Captain Monroe of France.

#### NAVAL SUB-COMMISSION

*President*—Francisco Ramos de Andrade Neves of Brazil.

*Secretary*—Commander Jackman of Great Britain.

#### AERIAL SUB-COMMISSION

*President*—Group-Captain Groves of Great Britain.

*Secretary*—Captain Ugo Leone of Italy.

The Commission thereupon, under the presidency of General Echagüe of Spain, proceeded to a preliminary study of the following questions :

1. Elaboration of the regulations of the League as to the military, naval, and aerial forces and armaments of States requesting admission to the League, and having agreed beforehand in making this request to accept these regulations.

2. Control of the traffic in armaments and munitions.

3. Use of poison gas in war.

4. Duties of the Commission as to the eventual exercise of the right of investigation by the League of Nations which Germany has recognised by Article 213 of the Treaty of Versailles.

The Commission was organised, and held its meetings under the following provisions approved by the Council of the League at Rome :

## I

ARTICLE I.—The Commission prescribed by Article 9 of the Covenant shall be entitled : “The Permanent Advisory Commission for Military, Naval, and Air Questions.” The Commission shall be formed of representatives from each nation represented on the Council of the League as follows :

1 military representative,

1 naval representative,

1 air representative.

The same representative may combine the duties of more than one of the above, if his Government so desires.

ARTICLE II.—Any other States which are Members of the League may be invited to send a similar number of representatives to sit on the Commission temporarily when a question directly affecting them is under discussion.

ARTICLE III.—Whatever the number of representatives from any nation attending the Meetings of the Commission, or of the Sub-Commissions referred to in Article VI., no national delegation shall be allowed more than one vote.

ARTICLE IV.—The representatives laid down in Article I. may be joined by such number of officers as may be necessary according to circumstances, or may call in any “Service” or civil experts whose experience may be useful. In order, however, to facilitate the accommodation of the Commission, the Governments con-

cerned are recommended not to attach more than two officers for each of the Sub-Commissions laid down in Article VI., as permanent assistants of the above-mentioned representatives.

ARTICLE V.—The representatives of each State, together with the officers permanently attached, shall constitute the “national delegation” of each State. This delegation shall be placed at the disposal of the Council of the League in order to give advice as laid down in Article 9 of the Covenant, and in accordance with the procedure given below.

The ordinary pay and allowances of the officers of the Commission will be furnished by their respective Governments.

ARTICLE VI.—The Commission shall be divided into three Sub-Commissions, entitled :

The Military Sub-Commission,  
The Naval Sub-Commission,  
The Air Sub-Commission.

ARTICLE VII.—Each Sub-Commission shall nominate a chairman for six months in the alphabetical order following that of the Treaty of Versailles.

When a meeting of the Commission is necessary, the three chairmen of the Sub-Commissions shall select one of their number to preside at the sitting (or sittings) at which any particular question is to be discussed.

ARTICLE VIII.—Representatives of a State which has been newly admitted to the Council of the League shall not be called to the chairmanship of the Commission or Sub-Commissions before six months have elapsed from the date of admission.

ARTICLE IX.—The Commission or Sub-Commissions shall meet on the demand either of the Council of the League or of one of their own members.

ARTICLE X.—In principle, reports of the Sub-Commissions shall be forwarded to the Council by the full Commission with its remarks. The Council or the full Commission may, however, decide that a question raised by either, respectively, is of a purely technical nature, and within the competence of one Sub-Commission only. In such case, the report of the Sub-Commission shall be addressed to the Council direct.

ARTICLE XI.—Representatives who are absent, or who are prevented from attending, may depute an assistant to represent them.

ARTICLE XII.—The secretarial work of the Commission shall be carried out by three technical officers (an army officer for the Military Sub-Commission, a naval officer for the Naval Sub-Commission, an air officer for the Air Sub-Commission). These officers shall be nominated by the Secretary-General and placed by him at the disposal of the three Sub-Commissions. Together, these officers will form the secretariat of the whole Commission.

The Secretaries shall, as a rule, be appointed for one year, and may, at the wish of a Sub-Commission, be continued in their appointments for periods of six months, provided that the total duration of such an appointment shall not exceed three years.

The remuneration of the secretariat and all expenses connected with it shall be met by the League of Nations.

NOTE.—In order to promote co-operation and to facilitate the exchange of information as laid down in Article 8 of the Covenant of the League, it is desirable that the technical experts (military, naval, and air) should be accommodated in the same building, or in buildings situated as closely as possibly to each other.

## II

The Council of the League of Nations instructs the Permanent Advisory Commission for Military, Naval, and Air Questions to begin immediately the study of such technical questions as are required for the execution of Articles 1 and 8 of the Covenant, and in particular :

(1) To consider and draft regulations in accordance with Article 1 of the Covenant in regard to the military, naval, and air forces and armaments of the following States, which have applied for admission to the League :

Estonian Republic,  
Republic of Georgia,  
— Iceland,  
Luxemburg,  
Republic of San Marino,  
Ukrainian Republic,

and to forward a report to the Council on this subject.

(2) To request the Governments signatories of the Arms Traffic Convention of September 10, 1919, and other States Members

of the League, to furnish all necessary information regarding the export of arms and munitions, in accordance with the principles laid down in Article 23, paragraph (d), of the Arms Traffic Convention, including the final protocol, and to submit to the Council proposals for the formation of a Central International Office.

The Commission as originally constituted was as follows : •

#### GREAT BRITAIN :

- Military* . Brigadier-General G. S. Clive, C.B., C.M.G.,  
D.S.O.  
*Naval* . . Admiral the Hon. Sir Somerset A. Gough  
Calthorpe, G.C.M.G., K.C.B., C.V.O.  
*Air* . . Group-Captain P. R. C. Groves, C.B., C.M.G.,  
D.S.O.

#### FRANCE :

- Military* . Général de Division Fayolle.  
*Naval* . . Vice-Amiral Lacaze.  
*Air* . . Général de Brigade Dumesnil.

#### ITALY :

- Military* . Major-General Giovanni Marietti.  
*Naval* . . H.E. Vice-Admiral Acton.  
*Air* . . Major Carlo Graziani.

#### JAPAN :

- Military* . Major-General Hisashi Watanabe.  
*Naval* . . Captain Mineo Osumi.  
*Air* . . Major-General Hisashi Watanabe.  
(Both appointed temporarily till arrival of  
regular Representatives.)

#### BELGIUM :

- Military* . Lieutenant-General de Ceuninck.  
*Naval* . .  
*Air* . . Colonel A. E. M. Van Crombrughe.

#### GREECE :

- Military* . Colonel Em. Ractivan.  
*Naval* . . Vice-Admiral Caclonides.  
*Air* . . Colonel Laskarakis.

## SPAIN :

- Military* . Brigadier-General Don Juan Picasso. (Military  
Attaché : Lieut.-Colonel Carlos Espinosa  
de los Monteros.)
- *Naval* . . Vice-Admiral Don José Carranza. (Naval At-  
taché : Commander Montagut.)
- Air* . . Brigadier-General Don Francisco Echagüe. (Air  
Attaché : Lieut.-Colonel Salvador Garcia  
Pruneda.)

## BRAZIL :

- Military* } Lieut. - Colonel Francisco Ramos de Andrade  
*Naval* }  
*Air* } Neves.

## IX

### THE INTERNATIONAL LABOUR ORGANISATION

By H. B. BUTLER, Deputy-Director, International Labour Office.

THIRTY-NINE countries took part last autumn in the deliberations of the first general Conference held in connection with the League of Nations. That Conference met in Washington in October and November, and brought into active operation the International Labour Organisation provided for by the Treaty of Versailles. Government delegates and representatives of employers and workers spent thirty days of strenuous effort on common problems, concluding their labours with the adoption of twelve draft conventions and recommendations, and the setting in operation of the International Labour Office. The Governing Body of that office—a sort of Executive Committee, consisting of twelve official Government representatives, six employers, and six workers—meets for the transaction of urgent business which cannot wait for the large Conferences, and for other matters with which it may be competent to deal. The Director of the Office, M. Albert Thomas, the famous French Minister of Munitions, and his staff, are continually “on the job.” They must be thoroughly competent to advise on social and labour conditions in all countries, and the task of preparation for such gatherings as that held at Washington, and as the Seamen’s Conference held at Genoa this June, cannot easily be under-estimated.

## LABOUR AS AN INTERNATIONAL PROBLEM

But why is all this work necessary or desirable? In what sense is labour an international question? At first sight it might be thought that it was the most domestic of all domestic affairs. The protection which the State affords to its citizens who carry on its industries might seem to have no concern for the outsider, but to be capable only of settlement in the light of its own standards of civilisation and its own consciousness of collective responsibility. So much indeed has labour seemed to be a domestic, and even a local problem, that in great federal countries like the United States, Canada, and Australia, labour legislation remains to a large extent within the jurisdiction of the individual states or provinces. In territories so vast as these industry is carried on under such varieties of climatic and other conditions as apparently to defy any national treatment. But improving communications are every day breaking down still further the differences between one district and another. Even in the United States war conditions forced the Administration to treat labour as a national question, and to set up a War Labour Board to deal with it for the whole Union. The railways were operated under centralised control. Even the time-honoured distinction between industry and agriculture shows signs of disappearing in America, as it has already done so largely in England. The farmer has now to compete with the manufacturer for his labour. The agricultural worker is no longer tied to the land and insulated from the main currents of economic life. If he is dissatisfied with his wages, he has only to take the train to the next city, where he can find employment at industrial rates.

Finally, in all countries, with the aid of the post and telegraph, the trade unions have developed from local into national organisations. In Australia it was soon found that strikes could not be confined to State boundaries, but required federal conciliation machinery to deal with them. The

recent strikes in the mines and the steel-plants of the United States extended right across the country, and passed far beyond the competence of any State Government to settle. The President, as the head of the National Executive, alone possessed a sufficiently wide authority to attempt intervention. Again, within the last year both Washington and Ottawa have seen great industrial conferences of employers and trade union leaders, representative of the United States and Canada from the Atlantic to the Pacific, meeting to seek solutions for the problems of industry on national lines.

The same influences, which are levelling out local differences in the industrial conditions within the various countries, have been steadily forcing the Labour problem into the international sphere. The conditions under which the operatives in the same industries work in foreign countries is no longer a matter of indifference to the home manufacturer. His labour charges are usually the largest item in the cost of producing his article. If his foreign rivals can command an abundance of cheap, underpaid labour, he may find it impossible to raise the wages of his own workmen, however honestly he may feel that their standard of life is insufficient. Thus the prosperity of the British workman may become largely dependent on the relative prosperity of the American or the Belgian or the Japanese workman in the same industry. It is true that much more than the comparative value of the wages in different countries has to be taken into account. But whatever may be done in the way of better management, or of obtaining a higher rate of production in return for higher wages, the relative rates of remuneration in competing countries must always have an important bearing on their prosperity. Again, the artificial protection of tariffs may keep prices high for the home-consumer (who largely consists of the workers themselves), and so enable the manufacturer in a particular industry to pay higher wages than he could do otherwise. Whether, under a general tariff, the worker greatly benefits in the long run is very questionable. In the future

we may see discrimination made against goods produced by workers with a lower standard of life than those existing in the country imposing the tariff, and a proposal of this kind has already been put forward in Australia. Indeed, since commerce is largely international and labour is the main-spring of commerce, it is self-evident that labour is not merely a national, but also an international problem.

The same truth may be seen in the growth of international trade unionism. Just as trade unions have overleaped provincial boundaries, so they are now beginning to pass beyond national frontiers. In Europe the International Federation of Trade Unions links up the industrial workers of all the principal European countries. In America the American Federation of Labour embraces not only the trade unions of the United States, but also extends to Canada and Mexico. These latter have even adopted the title of "international." There are also a number of international federations in particular industries, such as those of the textile and the transport workers, the miners and the seamen, who find that they are bound together by common interests, just as much as the financiers and the shipowners, who have found international agreements necessary to regulate their business.

### GROWTH OF INTERNATIONAL LABOUR LEGISLATION

That labour is an international question was first publicly recognised when the first International Conference to discuss industrial regulation was summoned to meet in Berlin in 1890. From that date the movement in favour of international labour legislation has slowly taken shape. The Association, which was formed to promote it, and which had branches in all the principal industrial countries, kept steadily at work, and with the aid of the Swiss Government succeeded in bringing about an official Conference at Berne in 1905, which drew up useful Conventions prohibiting the use of white phosphorus in the manufacture of matches and the

employment of women at night. These Conventions were, after shorter or longer delays, adopted by most of the principal industrial countries, including many of the States of the American Union. In 1913 a second Conference met at Berne, which worked out a Convention regulating the admission of young persons to industry and their employment at night; but owing to the War it was never put into the form of a treaty, for which a further meeting consisting of diplomats instead of experts would have been necessary.

It is easy to see how slow, cumbrous, and uncertain was the operation of this machinery. But the Berne Conferences had proved that international labour legislation was not only desirable but practicable. They therefore pointed to one of the roads, which the quickening of the trade union movement and the awakening of the social conscience in industrial matters resulting from the war were certain to explore. The first sign came from the inter-allied trade union conference at Leeds in 1916, which passed a resolution demanding the incorporation of social reforms in the Treaty of Peace. This demand was endorsed next year by the Conference at Stockholm, and was put into more concrete shape by the International Trade Union Conference which met at Berne in February, 1919. By that time, however, the Peace Conference had already been sitting for some weeks in Paris. One of its first acts had been to appoint a special commission to study international labour legislation. Among its members were Mr. G. N. Barnes, M.P., representing the British Government; M. Vandervelde, the well-known Belgian Socialist Minister; M. Colliard, the French Minister of Labour; and Mr. Samuel Gompers, of the American Federation of Labour, who was elected President. The work of the Commission produced the Labour Section (Part XIII.) of the Treaty of Versailles. Its Articles contain the constitution of an International Labour Organisation, consisting of an annual Conference and a permanent International Labour Office, which are part of the machinery of the League of Nations.

But before the details of that constitution are considered, it should be observed that its preamble raised the whole conception of the international regulation of industrial conditions on to a new and higher plane. Hitherto it had been regarded simply as an effort to mitigate the effects of commercial competition between nations by removing certain obvious and admitted evils by means of international agreement. The aim of the Berne Conferences had been limitative rather than constructive. It is hardly unfair to say that they were preoccupied more by the fear of losing ground in the economic race than by the determination to make a common effort to improve the condition of the workers in industry. The preamble takes its stand on a much larger view of the objects to be sought by international action in the industrial field. It begins by laying down the axiom that "without social justice there can be no permanent peace."

It goes on to enumerate a number of reforms as being urgently required, such as the establishment of a maximum working day and week, the prevention of unemployment, the provision of an adequate living wage and the protection of women and children. It only alludes incidentally to the material or competitive aspect of the international improvement of labour conditions, where it points out at the close that "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of others." The purpose of the new organisation that follows is therefore defined beyond dispute as being not merely to reduce the more flagrant evils which have resulted from industrial rivalry between nations, but to raise the standard of life of the industrial classes in all countries to a higher level.

### THE INTERNATIONAL LABOUR ORGANISATION

The machinery which the Labour Section of the Treaty provides with this object in view consists of two principal

organs, the International Labour Conference and the International Labour Office. The constitution of the former marks a complete departure from all previous international gatherings, and is an interesting experiment in political theory. Although State intervention has done much to correct and remove the worst abuses which have attended the growth of industrialism, with the development of strong organisations of employers and workers it is coming to be more and more recognised that official action alone is not sufficient, and that those who are themselves engaged in industry are best qualified to settle industrial problems, with the guidance and support which the authority of the State can afford them. The settlement of industrial disputes and the determination of working conditions is everywhere being left more and more to direct negotiation between the Employers' Associations and the Trade Unions. In fact, in England there has been a distinct reaction against excessive State interference, which has found expression in the demand for "self-determination in industry." Both employers and workers have recognised, however, that their agreements cannot always command sufficient authority, and that in order to be comprehensive and effective, they often require the endorsement of the political authority. The British Industrial Conference of 1919 illustrated this tendency. Representatives of the employers and trade unions of all the manufacturing industries drew up a national scheme for a 48-hour week, but in order that it might be binding on all alike they demanded that it should be given legal effect by Parliament.

The Constitution of the International Labour Conference was framed with a view to recognising this new spirit. It attempts to combine an official Conference, whose decisions are cast into the form of international treaties, with a Conference between employers and workers, whose daily life and business they will affect. It accordingly provides that each country shall be represented by four delegates, two of whom are representatives of the Government, one of the employers

and one of the workers, the two latter being chosen in agreement with their most representative organisations. In order to give complete liberty to the expression of opinion, a further departure from precedent is made in the system of voting. Hitherto at diplomatic Conferences each country has voted as a unit, but in the Labour Conference each delegate is free to speak and vote as he thinks fit. In this way the votes become the real expression of the views of the whole assembly.

The Washington Conference may be held to have justified both these experiments. The system of individual voting infused a liveliness and a reality into its debates which would have been impossible in an assembly consisting only of official spokesmen; and the large amount of cross-voting which took place often left the final result in doubt until the end. Moreover, the mixed composition of the Conference kept it in constant contact with the everyday facts of industry and the currents of popular sentiment. The employers spoke from their knowledge of the practical difficulties which confront them in making their business pay its way, while the workers were voicing the hopes and fears of the millions of simple men and women whom they represented. Lastly, the presence of two Government delegates from each country was an earnest that the decisions of the Conference would not be fruitless. During the discussions of the Labour Commission in Paris it had been strongly urged that the Governments should have the same representation as the workers and the employers. The argument for the double representation was based on the contention that if the work of the Conference was to be regarded as binding on the Governments, they would require a sufficient preponderance of votes to ensure that they would not be outvoted by the unofficial representatives, who had no responsibility to their Executives or to their Parliaments. There is no doubt that the Government delegates at Washington took their position very seriously, and that they regarded themselves as pledging their Governments in the face of other nations to accept the

agreements reached and to put them into operation. If they had been in a minority, their sense of responsibility would almost certainly have been greatly diminished.

This point touches a further important feature of the Constitution of the Labour Organisation—the means by which its decisions are given practical effect.

#### ACTION ON INTERNATIONAL CONVENTIONS AND RECOMMENDATIONS

The Conference is not a Parliament in the strict sense, since the time has not yet come when nations are prepared to submit their affairs to the determination of one international body. At the same time it can do much more than pass pious resolutions which have no binding effect. Its decisions are cast in the form of Conventions or Treaties, and Recommendations. If these are adopted by a two-thirds majority of the delegates attending the meeting, the States are bound to lay them before their Parliaments, or whatever is the competent authority, within a maximum period of eighteen months. If they are rejected, their obligation is at an end; but if they are ratified, they must be given legal effect, and any failure to do so gives the other members of the organisation the right to lodge a complaint. Should no satisfactory answer be forthcoming, the Governing Body of the International Labour Office may ask the League of Nations to appoint an International Commission of Inquiry to go into the whole matter and make a report. Obviously this last stage is seldom likely to be reached. The pressure of public opinion within and without would almost certainly lead the defaulting State to honour its obligations long before any inquiry became necessary. One other point deserves mention. The American delegates at Paris stated that, under a federal constitution like theirs, a Convention dealing with labour matters could not be ratified by the President, since neither he nor Congress could bind the State legislature

to pass the necessary legislation, which lay within their competence. A special provision was accordingly inserted in the Treaty allowing federal States to treat Conventions simply as Recommendations, which means that they are not required to give formal ratification with its attendant obligations.

Such is the framework of the organisation; and before touching on the functions of the International Labour Office, its executive organ, it will be convenient to see how the Conference actually worked in practice.

### THE FIRST CONFERENCE AT WASHINGTON

Its opening on October 29, 1919, in the Pan-American Building at Washington, gave a clear answer to the sceptics, who doubted whether the world was yet ripe for international co-operation. No less than thirty-five countries took their seats at the first sitting, and before the end of the meeting the number had risen to thirty-nine, represented by 123 delegates. There were ministers, ambassadors, famous labour leaders, and powerful captains of industry from all parts of the earth. The only large countries absent were Russia, Germany, and the United States. In Russia the lava of revolution was still uncooled. Germany was admitted with only one dissentient voice on the second day, partly for practical reasons, partly because it was felt that reconstruction of the world was impossible if its discussion were to be coloured by the passions of the War. In the United States the political controversy over the Treaty was nearing its culmination. This and the bitter struggle between capital and labour, which was being waged in the coal-mines and the steel-plants, created a troubled atmosphere for a Conference, which derived its being from the conception of a League of Nations, and which had as its aim the promotion of industrial peace. But the storms which were raging without made the delegates all the more determined to show that neither of these things were empty dreams. The success of

the Conference would afford the best proof of their reality and the best justification for its meeting in America.

To judge whether they achieved their ambition, it is only necessary to look at the results. International treaties were adopted by overwhelming majorities providing for—

(1) A general 8-hours' day and 48-hours' week in industry, with such exceptions as were indispensable to enable production to be maintained.

(2) The prohibition of the employment of children in industry under 14.

(3) The prohibition of night work for women.

(4) The establishment of public employment services and insurance against unemployment.

(5) The prohibition of the employment of women for six weeks before and after childbirth, and their adequate maintenance during that time.

(6) The prohibition of the employment of boys and girls under 18 at night.

If all these reforms are carried out, the Washington Conference will have marked a great step forward, which will produce a lasting effect on the health and happiness both of the present and of the coming generations. It is true that many of them have already been wholly or partially adopted in many countries; but in how many have all of them been accepted and enforced throughout the whole breadth of the land and in every industry? In very few, if in any. Moreover, the Conference for the first time brought the nations of the East into direct contact and comparison with those of the West. Japan, feeling that her rapid transition from domestic to large scale industry called for new methods, played a prominent and creditable part. Her official and employers' delegates agreed to abolish night work for women, which had hitherto been widespread; to prohibit the employment of children under 12, and only to allow their employment between 12 and 14 if they had attained a recognised standard of education; to reduce the hours in

industry to a general level of 57 per week, and to 48 in mines and for young persons under 18, whereas previously they had averaged 80, and in some industries even 90, weekly. India agreed to similar improvements. The importance of these advances in countries which are destined to develop great industrial activity, and where the standard of life has been much below that in the great manufacturing countries, needs no emphasis.

It is not to be supposed that these agreements were reached without strong differences of opinion and lively interchanges in debate. The employers put up a stout fight on the question of hours in order to ensure that production should be maintained, and it was only through the mediation of the Government delegates that their demands and those of the workers, which were pressed with no little vigour, were ultimately reconciled. On the whole, however, two lessons stood out clearly from the work of the Conference; first, the earnest desire of all parties to bring about better conditions, and secondly, the possibility of achieving success once they were all gathered round the same table, despite all the differences of language and of point of view. If the Washington Conference did nothing else, it proved that the conception of a League of Nations is sound and feasible in the economic field. May not the inference be suggested that in the political sphere it is likewise practicable, seeing that politics and economics are becoming every day less distinguishable?

#### ALBERT THOMAS AND HIS DAILY WORK

To carry on its work the Conference elected the Governing Body of the International Labour Office, a sort of Executive Committee, consisting of twelve official representatives, six employers, and six workers. The Governing Body met three times during the first six months of 1920; in Paris in January, in London in March, and in Genoa in June. Its work so far has been largely concerned with the establishment of the

International Labour Office under M. Albert Thomas, its first Director. The Office works in close touch with the Secretariat of the League, on which it depends for its funds. Its staff is drawn from many different countries, and in time it will become the clearing-house for the latest and fullest information on all labour and social questions. It will undertake an intensive study of industry in all its aspects, with more complete material on which to work than has ever been previously gathered together. In order to make known the results of its inquiries and researches, a periodical review will be published in a number of different languages. The first number is due to appear this summer. From time to time reports on special questions will also be issued. Such activities in the direction of collecting and disseminating information indicate, however, but one side of its work. It will be its duty to watch the measures taken in the different countries to give effect to the Conventions adopted by the Washington Conference and by subsequent Conferences. If the Conventions are to be systematically and uniformly applied, it is evident that a central body, familiar with all the possible difficulties of interpretation and application, is desirable, in order to co-ordinate the steps taken in the different countries and to give advice when asked for. Moreover, the Conventions themselves impose a number of duties on the office in the direction of collecting statistics and reporting to future Conferences. As the output of Conventions increases with the meeting of future Conferences, the work will be very considerable.

During the spring of 1920 the International Labour Office was actively engaged in preparing for the second Conference which met at Genoa on June 16 to discuss the conditions of work at sea. The shipping industry is, perhaps, the most international of all industries, and for this reason is essentially one which can be effectively treated by the International Labour Organisation. The close competition between the competing mercantile marines has made most of them un-

willing to improve the condition of their seamen without the assurance that their rivals would follow suit. Consequently these conditions are in many respects inferior to those now enjoyed by workers on shore. The Genoa Conference had two main questions before it: first, the limitation of the hours of work at sea with a view to bringing them into conformity with the general principle of the eight-hour day; and secondly, the adoption of uniform measures for assisting seamen to find employment and to ensure proper supervision of the articles of agreement and of the conditions under which they are signed. These were both matters which required to be dealt with, but the Genoa Conference undertook an even more difficult and ambitious task. The fourth item on its agenda was the examination of the possibility of establishing an international seamen's code. At present each country has its own laws and regulations as to the construction of its vessels, the accommodation which must be provided for its crews, the precautions which must be observed in the interests of safety, and the rights and obligations of its sailors while serving at sea. As ships and seamen are constantly passing from one country to another, the variation of the laws which affect them is a constant source of difficulty, and sometimes even produces minor unpleasantnesses between nations. If a single international code could be established and accepted by all maritime countries, these difficulties would largely tend to disappear, and the lot of the seamen would be sensibly improved. It was not expected that the Genoa Conference would succeed in producing such a code at the first attempt, but it was able to broach the question for the first time, under conditions which gave promise that at a future maritime conference it would be possible to arrive at some definite conclusion.

At this stage no one can say what the future of these Labour Conferences will be in a world which is passing through one of its periodical cycles of rapid and radical reorganisation. Like most machines of a new type, it is still clumsy and

imperfect. Before it finds a settled place in the new scheme of international relations which is now slowly and painfully evolving from the chaos of the Great War, it may have to undergo many modifications and transformations. But it may fairly claim to be a constructive experiment imbued by the spirit of the new order of things, which seeks above all to solve the economic differences between nations by common effort instead of by mutual antagonism and distrust, and which aims at broadening and deepening the current of social progress. If it achieves something in these directions, the Labour Organisation will be not the least of the fruits of the Treaty of Peace.

## X

# PUBLIC HEALTH, THE LEAGUE, AND THE RED CROSS

By RICHARD P. STRONG, General Medical Director of the  
League of Red Cross Societies.

THE subject of international public health is obviously one of paramount importance to the League of Nations. Moreover, there is perhaps no problem of an international character confronting the world to-day of greater magnitude than that of the prevention of disease and the improvement of health in central and eastern Europe. It is likewise evident that health must go hand in hand with peace in any country in which there is to be prosperity and progress. Furthermore, destitution and unrest must prevail and there can be no real contentment in countries whose inhabitants are ravaged by disease and rendered incapable thereby. Also, there is perhaps no important subject concerning the League of Nations having a more general international aspect than that of public health. For example, the occurrence of an epidemic of yellow fever upon the shores of the Panama Canal would constitute a grave danger to the important sea-coast cities of eastern Asia as well as those of south-western Europe. Bubonic plague in Calcutta is a source of danger to Liverpool and London, while the epidemic of typhus fever raging in Poland to-day might increase to such an extent as to threaten all Europe, and it is even conceivable that if sanitary control

was relaxed, it might sweep over the entire Continent, as it did upon six occasions during and after the wars of the eighteenth and nineteenth centuries. Indeed individual epidemics then often continued for many years at a time.

Even in times when communication by land and sea was extremely limited, epidemics often spread from country to country, as is shown by the pestilences of plague, cholera, typhus, and smallpox which ravaged Europe in the Middle Ages. However, with the bridging of space by modern means of transport, the danger of the spread of a number of the most serious infectious diseases evidently has been greatly increased, and hence the significance of international public health has been brought even more strongly into prominence. With the added danger of the transmission of disease through improved and increasing means of communication, individual nations have naturally sought to protect themselves against the influx of infection. To-day, however, we realise that it is not enough for one country to strive to protect its own inhabitants against epidemic diseases, and even to aid another nation in combating disease, solely because it feels it is in danger of the introduction of such infection. Indeed, the new spirit of internationalism in public health should be pervaded from the outset with the idea that the inhabitants of war-worn and disease-stricken nations should be aided and cared for primarily because of their suffering and inability to care for themselves. This view-point was particularly emphasised recently during discussions regarding the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world at the Cannes Medical Conference held in April, 1919, following which Conference there was inserted in the Covenant of the League of Nations Article 25, which relates to one of the fundamental purposes of the League of Red Cross Societies organised in May, 1919.

History does not record any important international action relating to public health until comparatively recent times. In 1851, however, a conference was held in Paris to discuss

the question of the establishment of an international commission for the suppression of various epidemic diseases, and as a result of this conference the first international sanitary convention was drawn up and presented by Napoleon III. to the countries of the world. This convention was signed and ratified in 1853 by representatives of France, Austria, Spain, Sicily, Great Britain, Greece, Russia, Turkey, and Sardinia. The signatories at the same time, in supporting the covenant, expressed themselves as "being equally animated with the desire to safeguard public health in their respective countries." This convention dealt chiefly with the methods to be employed in the prevention and control of cholera, plague, and yellow fever, and outlined sanitary regulations for shipping from the Mediterranean and the Black Sea. A number of these regulations are partially in force to-day. Nevertheless the preventive measures immediately undertaken, following this international convention, were not very efficacious in preventing serious epidemics of disease, for during the Crimean War (1854-56) dysentery, typhus, and cholera all raged extensively in the French, British, and Turkish armies, both in western Europe and in the Crimea. Typhus also raged furiously in the Russian army and throughout southern Russia.

The fourth great pandemic of cholera began in 1863 and reached Europe in 1865. In 1866 the disease was so serious in many countries that an international sanitary conference was called, apparently particularly at the instigation of Turkey and Egypt, to consider the cause of the disease and the most efficient measures to be employed for combating it. The opinion was emphasised at this conference that the extensive and rapid spread of this disease was due particularly to the increased introduction of steam navigation, whereby cases of cholera in the early stages of incubation were carried greater distances in a shorter period of time, thus disseminating the infection more widely and rapidly than took place in the earlier days of maritime travel.

In 1874 a permanent international sanitary body was established, which met at irregular intervals, sessions being held in 1881, 1885, 1892, 1894, and 1897. At the meeting of 1892 sanitary measures affecting the shipping in the Danube were discussed, and in 1894 sanitary regulations for the Mecca pilgrimages were considered, particularly with reference to the spread of cholera. Forty-two separate Articles were adopted concerning action to be taken on vessels carrying pilgrims, and special fines for breaking these regulations were prescribed. Every pilgrim was to be required to undergo a strict medical examination at the port of departure before going on board the vessel. This was to be accompanied or preceded by a period of five days' quarantine. All suspected articles accompanying the pilgrims were to be disinfected before departure.

In 1897 an international sanitary conference to consider the question of epidemics of bubonic plague was held in Venice. At this meeting protective measures were agreed upon, and regulations formulated for controlling and preventing the spread of the disease. These were based upon the opinions expressed that the sick person and his personal effects were the chief source of danger. It was decided that a quarantine of ten days from the date of departure from the last infected port should be placed upon ships. At this time the agency of the rat and of the rat flea was not recognised in connection with the transmission and spread of plague.

These international conferences were largely of an advisory character, and in 1892 an effort was made to call a more authoritative gathering. Accordingly, a new international sanitary convention was drawn up and signed in Venice in 1892. Revised conventions have also been signed successively in 1893 at Dresden, 1894 in Paris, 1897 in Venice, and 1903 in Paris. At the conference in 1903 the quarantine of ships from plague-infected ports was reduced to five days, the importance of the rat in the transmission of the disease was recognised, and regulations for the destruction of those rodents

recommended. This conference also drew up regulations for the establishment of an international sanitary office in Paris for the purpose of collecting and transmitting sanitary information to the different countries. The fourth revised international sanitary convention was signed in Paris in 1912, but before this could be ratified the War (1914-18) had broken out. It is understood, therefore, that the convention of 1903 still remains in force.

### COMITÉ INTERNATIONAL DE LA CROIX-ROUGE

In 1864, eleven years after the signing of the first governmental international sanitary convention, the International Red Cross was founded, having as its aim the care and treatment of all sick and wounded in war time, irrespective of nationality. The first meeting of the International Congress of Red Cross Societies took place in Geneva in 1863, and the next year the Geneva Convention, under which protection is given to all hospital personnel and establishments, was drawn up and signed by a number of the Powers. Within a comparatively few years, almost every civilised country had become a signatory, though it is interesting to note that the adoption of this treaty by the United States Senate was not secured until 1882. This convention constituted in reality a charter of neutrality for the sick and wounded, and also stipulated that local inhabitants caring for the sick and wounded should be unmolested, and emphasised the fact that all sick and wounded, irrespective of nationality, should be treated equally by all Red Cross medical units and other Red Cross personnel. An office was established at Geneva, and a Committee composed of Swiss citizens was formed under the name of the "Comité International de la Croix-Rouge." Owing to the fact that the conceiver of the idea of the international Red Cross was a Swiss citizen, Monsieur Henri Dunant, the Swiss flag, but with the colours of the Cross and its field transposed—a red cross on a white

ground—was adopted as the world-wide insignia of humanity and neutrality, and the “Red Cross” continues to be displayed on practically all hospitals of all countries during war. Turkey, however, flies a red crescent over her hospitals. The fact that the members of the Comité International de la Croix-Rouge have always been Swiss citizens, allowed this organisation (Switzerland being a neutral country) to concern itself during the recent War with the collection, registration, and repatriation of prisoners. This task, and that of caring for and feeding many prisoners, it has discharged with great faithfulness and devotion, and through its efforts many missing prisoners have been traced.

#### OFFICE INTERNATIONAL D'HYGIÈNE PUBLIQUE

As has already been intimated, the international sanitary conference of 1903 drew up preliminary regulations for the establishment of a permanent international health body in Paris. This body, known as the “Office International d'Hygiène Publique,” was established actually by an international agreement signed at Rome in December, 1907. The Powers that ratified the agreement were: Belgium, Brazil, United States, France, Great Britain, Italy, Portugal, Russia, Switzerland, Egypt, and the Netherlands. The Powers that adhered to the agreement were: Argentine, Bulgaria, Australia, Canada, India, Algeria, Mexico, Peru, Persia, Serbia, Sweden, Tunis, Turkey, Greece, Monaco, Denmark, Uruguay, and Chili.

The chief contracting parties bound themselves to establish and maintain an Office of International Public Hygiene, with headquarters in Paris. The principal purpose of this Office was to acquaint the interested countries with information and the contents of documents of a general character relating to public health, especially in cases of infectious diseases, particularly cholera, plague, and yellow fever, and also with the measures taken to overcome these diseases. The Governments were to advise the Office of the measures taken to ensure the

application of the international sanitary regulations, while the Office was to suggest the alterations which appeared advantageous for the carrying out of these regulations. The Office is placed under the authority and control of an international committee, consisting of one representative from each country, and this committee meets, according to the agreement, periodically, at least once a year.

It was clearly laid down that the Office should in no way interfere in the internal administration of any country, but should only concern itself in an advisory capacity with questions of health affecting international interests. The original agreement, under which this Office was maintained, was to last seven years. In 1914, it was renewed for another seven years, but the outbreak of war caused the discontinuance of the formal conferences of the delegates. These conferences, however, were replaced to a certain extent by the "Commission Sanitaire des Pays Alliés." The members of this Commission generally have been the public health advisers for the Allied military and naval services. This Sanitary Commission has made use of the offices and of the permanent staff of the International Office of Public Health, and has held regular meetings during the War which have related to the prevention of infectious diseases and to the improvement of sanitation in the Allied armies and among the civilian populations. Very recently it was decided at an international conference held in London that it would be advisable for the Office International d'Hygiène Publique to become a part of the health organisation of the League of Nations.

### NEW INTERNATIONAL HEALTH ORGANISATION

Such then were the important efforts undertaken in relation to international public health organisations up to the year 1919. However, following the Armistice, international health activities assumed greatly increased importance. The

Swiss Committee of the International Red Cross<sup>1</sup> had been organised to care for the sick and wounded in war, and the Office International d'Hygiène Publique as an advisory body in connection with governmental health matters. After the Armistice there seemed to be not only a universal demand, but in addition a golden opportunity, for the inauguration of a still stronger international organisation, having as one of its purposes the improvement of public health and the prevention of disease throughout the world.

Therefore, at the conclusion of the War, Mr. Henry P. Davison, and those he had associated with him in this movement, felt that the time had come for taking steps of greater magnitude against the enormous amount of preventable disease, and for approaching this problem with the idea of enlisting the services of multitudes of people in many countries in the prevention of disease, and securing a more unselfish devotion of the people themselves toward public health, and bringing about their more effective co-operation with the national authorities in health activities. It further appeared that the time was particularly opportune for the Red Cross Societies, whose war activities had been completed, to inaugurate this movement and to establish an organisation which would devote itself to such public health problems.

"Of course we knew then (when the Armistice was signed), as we know better now," said Mr. Henry P. Davison in his opening address upon this subject, "that voluntary associa-

<sup>1</sup> Miss Mabel T. Boardman, in her excellent book, *Under the Red Cross Flag at Home and Abroad*, writes: "Not infrequently the expression 'International Red Cross' is used as if this were the name of some definite organisation. . . . Such an Order does not exist, nor is there any international organisation of the Red Cross except the International Committee of Geneva. Each country that has agreed to the treaty of Geneva organises its society according to plans best adapted to its own Government, people, and conditions. These societies are as independent one of the other as are the nations to which they belong, etc. . . . An International Committee composed of representatives of many nations would prove a cumbersome body. . . . For this reason, mainly, it was agreed that a Committee of nine Swiss residents of Geneva, and men of prominence should constitute the International Red Cross Committee."

tions, no matter how powerful, how strong, would never meet the crying distress throughout the world resulting from the War, to say nothing of the distress throughout all countries which usually, to a greater or less degree, prevails. But, realising the power of the organisations which had been developed, realising the need, the demand, for the service which they could render, and notwithstanding the fact that we all knew that the larger work of feeding had to be done by the Governments, we believed that there was one sole and sacred responsibility, and that was that we should co-ordinate our endeavours to go on and do the work that could only be done by the co-ordinated effort of the Red Cross organisations of the world."

With the approval of the Governments of France, Great Britain, Italy, Japan, and the United States, steps were taken to organise a committee of Red Cross Societies,<sup>1</sup> which in turn called together what has come to be known as the Cannes Conference.

### THE LEAGUE OF RED CROSS SOCIETIES

The League of Red Cross Societies was organised in May, 1919, following this medical conference, which was attended by representatives from Great Britain, France, Italy, Japan, and the United States. While a number of the world's most eminent statesmen were engaged at the Peace Conference in Paris, in attempting to formulate a plan for a League of Nations destined to bring about and maintain permanent international peace, a number of our most distinguished scientists were associated at Cannes endeavouring to organise a League for the improvement of health throughout the world.

<sup>1</sup> The members of this Committee were Mr. Henry P. Davison, Chairman (U.S.A.), Sir Arthur Stanley (Great Britain), Count Jean de Kergerlay (France), Senator G. Frascara (Italy), and Professor A. Ninagawa (Japan). This Committee, with the addition of Sir David Henderson, Director-General, and Dr. William E. Rappard, Secretary-General, became the first Board of Governors of the League of Red Cross Societies.

The Cannes Conference heartily approved of the idea of extending the activities of the Red Cross in times of peace to the prevention of disease, the betterment of health, and the general welfare of the people in all countries, and the belief was expressed that no existing organisation was so well prepared to undertake this great responsibility as the Red Cross.

The objects of the League of Red Cross Societies as outlined in the Articles of Association are : (1) to encourage and promote in every country in the world the establishment and development of a duly authorised voluntary national Red Cross organisation, having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world,<sup>1</sup> and to secure the co-operation of such organisations for these purposes ; (2) to promote the welfare of mankind by furnishing a medium for bringing within the reach of all the peoples the benefits to be derived from present known facts and new contributions to science and medical knowledge and their application ; (3) to furnish a medium for co-ordinating relief work in case of great national or international calamities. Headquarters have been established in Geneva.

In order to carry out the programme of the League of Red Cross Societies for the improvement of health and the prevention of disease, a General Medical Department has been created as a part of the headquarters in Geneva. The organisation of this department has been carried out and its work prosecuted largely in accordance with the suggestions presented at the Cannes Medical Conference. Its activities relate particularly to child welfare, the improvement of public health legislation, public health administration, the sanitary environment of human beings, the standardisation of vital statistics, the stimulation of original investigations in hygiene

<sup>1</sup> It will be noted that this first fundamental purpose of the League of Red Cross Societies is contained in Article 25 of the Covenant of the League of Nations.

and sanitary science, the establishment of public health laboratories, the improvement of public health nursing, educational health propaganda, town and city planning, and measures to be taken to combat infectious diseases, particularly such as typhus, tuberculosis, malaria, and venereal diseases. It is also the province of the League of Red Cross Societies to keep abreast with the progress made in medicine and public health throughout the world, and to disseminate this knowledge by popular health literature, and particularly by a scientific journal of international public health. This journal, published simultaneously in four languages, will attempt to do for the world at large what other medical journals do in national fields.

The first General Council meeting of the League of Red Cross Societies was held in March, 1920, in Geneva, and was attended by delegates from twenty-seven of the now thirty-one countries adhering to the League. At this General Council meeting, among the recommendations made were those concerning the establishment of a sanitary cordon against typhus in central Europe, favouring the support in every way of the campaign undertaken by the League of Red Cross Societies against the epidemic of this disease in Poland, the establishment of child welfare centres, and the carrying on of anti-tuberculosis demonstrations as planned by the League.

Recommendations were also made requesting the national Red Cross Societies to strive in their respective countries for hygienic habitations, pure water supplies, better methods in the disposal of refuse, and for other sanitary improvements. The delegates further recommended the standardisation of vital statistics, measures to be taken for the prevention of venereal diseases, that the study of cancer be encouraged, and that proper training centres for public health nurses and public health laboratory workers be established. It was also agreed that the delegates should request their governments for aid in the repatriation of prisoners in Siberia and Russia.

## THE HEALTH ORGANISATION OF THE LEAGUE OF NATIONS

Since its organisation the League of Red Cross Societies has worked in close harmony with the League of Nations. Obviously, however, even an organisation of the scope of the League of Red Cross Societies cannot deal with those questions of health requiring united governmental action, and in the early part of 1919 it was realised that for this purpose it would be necessary to establish an International Health organisation within the League of Nations. Accordingly, in view of Articles 23 (f), 24, and 25 of the Covenant of the League of Nations, the British Government invited representatives of the Public Health Services of France, Great Britain, and the United States of America, of the Office International d'Hygiène Publique, and of the League of Red Cross Societies, to confer informally concerning international health matters. This meeting was held in London from July 27 to 30, 1919. At this gathering it was strongly emphasised that while it was necessary to form an active body within the League of Nations, the main work of this organisation should be to co-ordinate the work of the already existing health organisations, to combine the existing Office International d'Hygiène Publique with the new body, and to co-operate closely with the League of Red Cross Societies in its work.

On February 13, 1920, the League of Nations Council passed a resolution inviting these health experts who had already assembled informally to meet again, with the addition of a number of other experts and with an official of the League of Nations as secretary. This assembly was requested to prepare for submission to the League of Nations Council proposals for the constitution of a permanent international health organisation to form part of the machinery of the League of Nations. This Conference, comprising representatives of France, Great Britain, Italy, Japan, and the United States, the League of Red Cross Societies, the Office Inter-

national d'Hygiène Publique, and the International Labour Office (Belgium and Brazil were asked to send delegates, but were unable to do so), met at the British Ministry of Health on April 13, 1920, and on April 24 presented to the Secretary-General of the League of Nations an outline of the proposed organisation and functions of the new International Health Office. It was proposed that this organisation should consist of an Executive Committee, an International Health Bureau, and a General Committee. The General Committee, consisting of delegates appointed by countries members of the League of Nations or of the Office International d'Hygiène Publique, would practically take the place of the old Office International d'Hygiène. The Executive Committee was to include delegates of the States permanently represented on the Council of the League of Nations, four members elected by the General Committee, the President of that Committee, a representative of the League of Red Cross Societies, and a representative of the International Labour Conference. The International Health Office was to consist of a medical secretary and other personnel.

The functions proposed for the International Health Office were as follows :

(a) To advise the League of Nations in matters affecting health.

(b) To bring administrative health authorities in different countries into closer relationship with each other.

(c) To organise means of more rapid interchange of information in matters where immediate precautions against disease may be required (*e.g.* epidemics), and to simplify methods for acting rapidly on such information where it affects more than one country.

(d) To provide a ready organisation for securing or revising necessary international agreements for administrative action in matters of health, and more particularly for examining those subjects which it is proposed to bring before the Executive and General Committees, with a view to the conclusion of international conventions.

(e) In regard to measures for the protection of the workers

against sickness, disease, and injury arising out of their employment which fall within the province of the International Labour Organisation, the International Health Organisation will co-operate with and assist the International Labour Organisation, it being understood that the International Labour Organisation will on its side act in consultation with the International Health Organisation in regard to all health matters.

(f) To confer and co-operate with the League of Red Cross Societies.

(g) To advise, when requested, other authorised voluntary organisations in health matters of international concern.

(h) To organise missions in connection with matters of health at the request of the League of Nations or of any country member of the League.

Representatives of the Polish Government and of the League of Red Cross Societies furnished this conference with information concerning Poland's needs in combating the typhus scourge; and the Conference agreed that action by the League of Nations was necessary. The measures necessary to combat this epidemic on a large scale were set forth, namely the establishment of sanitary cordons, hospitals, de-lousing stations, the provision of food and fuel, and expert direction of the work. It was recommended that, whenever possible, surplus war materials be secured for use in Poland. The task of furnishing medical and sanitary personnel, nurses, hospital units, and supplies was to be carried on under the auspices of the League of Red Cross Societies.

With the Office International d'Hygiène Publique a part of the International Health Office of the League of Nations, there will be two great international organisations—the International Health Office and the League of Red Cross Societies—to deal with the health of the world. To state that they will work in harmony, and will supplement each other's work, would appear to be superfluous.

In its opening paragraphs the Covenant of the League of Nations states that its functions are "to promote international co-operation and to achieve international peace and security."

It does not seem unlikely that success in this connection may at least sometimes be secured through the struggle against disease and its inevitable consequences. The advantages to be derived, in combating disease, from international co-operation in public health activities have recently been particularly emphasised by events occurring during the War. For example, it was an Inter-allied Commission which directed the effort in checking the typhus epidemic in Serbia in 1915. It was by co-operation between British and American medical officers that the nature and means of propagation of trench fever was discovered. These are only two of a number of important examples of what was accomplished by co-ordinated medical effort during the War, and they may be supplemented by another striking example of post-war activity—the fight against typhus in Poland. Neither the Polish Government nor the voluntary relief agencies at work in that country are sufficiently powerful to suppress the typhus epidemic which has continued for four years. It is evidently advisable that some form of international co-operation be instituted there to deal with the situation, which, while it may appear to be national in character, actually demands international co-operation and aid.

As health is a matter of interest to every race and nationality scattered over the globe, and to every individual from the cradle to the grave, it is not the exclusive concern of any single nation. Preventable disease likewise being a matter of world-wide interest and the enemy of all mankind, demands united effort if it is to be banished and effectively stamped out, and in fighting it all national boundaries must be disregarded.

Also, to meet most satisfactorily and efficiently many of the disasters that war and disease have imposed upon nations, united action is necessary, under the centralised control of experienced and responsible public officials. It would appear that it is through the League of Nations that such co-operation and united official action may best be secured.

## XI

### ECONOMICS AND FINANCE

By Mr. J. A. SALTER, Secretary-General, Reparations Commission, and formerly Director, Economics and Finance Section, International Secretariat, League of Nations.

#### FROM WAR TO PEACE

BEFORE the War the international institutions of an economic and financial character, though numerous, were restricted in power and in range. They were generally devoted, like the Institute of Agriculture at Rome, to the acquisition and dissemination of information, without power to act. Or if, like the Danube Commission, they had power to act, it was within a relatively restricted sphere. During the War, however, the whole range of international administration was immensely enlarged to a scale never approached before. The extent and character of this organisation has been explained in Mr. Rublee's chapter. The common necessity which secured unity of purpose and action among the large proportion of free and independent Allied Powers, together with the accidental circumstance that the submarine campaign made shipping the limiting factor in all main supplies, and so placed a single organisation in a place of dominance over the Allied economic organisation, resulted in a development, a range of power, and an effectiveness in the Allied economic organisation that could not continue under the different

conditions of peace. As soon as actual hostilities terminated, there was an immensely strong movement in every country to secure for private enterprise freedom from the restrictive controls imposed during the War. At the same time the Governments themselves ceased to be united by the same common purpose, and began to develop separatist policies. This movement was natural and inevitable and, in some of its results, salutary. In some directions, however, it certainly broke down international organisation, which was still urgently needed for the solution of international problems. This destructive tendency did not, however, reach its height at once, and during the earlier days of the Peace negotiations in Paris, the Allied Governments, on the proposal of President Wilson, established the Supreme Economic Council. This body had less power of immediate action than the Allied Maritime Transport Council and its Executive during the War, but it was successful in solving many of the more immediate international problems then confronting the Allies. Through its Shipping Section, it arranged for the acquisition of the immobilised German freight shipping and its use for the purpose of supplying Germany with food ; through its Finance Section, it arranged the necessary finance for the purpose of this food ; through its Communications Section, it made some progress in restoring the disorganised transport system of central Europe ; and, through its Blockade Section, it greatly expedited the removal of the restrictive blockade and censorship regulations which were delaying the resumption of economic life in Europe. By June, 1919, however, the virtue had gone from this Council, and the world was left without any means for effective international action in the economic sphere, beyond that afforded by the conferences from time to time of representatives of the several main Governments. The Council itself remained in existence, but became less and less effective.

## ACTIVITIES OF THE LEAGUE

By this time the League of Nations had been instituted, and an Economic and Finance Section of the Secretariat was at once established. This Section did not, of course, in any way take the place of the great Allied Councils, nor up to August, 1920, had it been instrumental in forming any international Council which would. The same causes which drained the strength from the Supreme Economic Council have prevented the establishment of any other. The section of the Secretariat, which has consisted of only three or four officials, has been engaged in humble preparatory tasks, which will expedite the real economic and financial work of the League when the opportunity arises. Its work during these many months of waiting may be briefly summarised. In August, 1919, it organised a conference of international statisticians to consider how the League could assist in securing greater uniformity in the economic statistics of the several countries. It prepared a preliminary scheme of organisation, for consideration by the Council and Assembly of the League when they desire to prepare the economic weapon of the League, *i.e.* the economic blockade. It has collected both publications and a considerable mass of unpublished information as to the economic and financial conditions of the world, which must form the basis of any international discussion of these conditions. In particular, it arranged, through a large number of financial experts of different nationalities, for the collection of original information as to currency and exchange conditions in many countries. The results of this work have just been published in book form. Lastly, it was instrumental in making arrangements for the important International Financial Conference to be held at Brussels in September, 1920, under the auspices of the League of Nations.

At last the period of mere waiting on the future appears to be drawing to a close. After a long interval of separatist and uncoordinated national policies, the several governments

appear to be realising that there are still international economic problems which can only be solved, or adequately considered and discussed, through an international organisation, and they have turned to the League as their natural and fitting instrument. This may well form a stage in the development of the League's work of the greatest importance.

It must always be remembered of course, in considering the future of either the League or of any other international institution, that its power for action depends essentially not upon its charter or its machinery, but on the real desire of the Governments of the world, and of the people behind those Governments, to utilise it. This is, perhaps, particularly true of the economic work of the League of Nations. A perusal of the Covenant will show that within the economic and financial sphere the League's duties are comparatively few, but that its opportunities are almost illimitable. The Covenant provides an instrument by which the world may achieve either little or much, according to the development of its future policy and future wishes. What the League is likely to do, therefore, depends upon what proves to be the need of the world for international action, and upon the strength of the desire and determination of the peoples of the world to see that that action is taken. It may at least, however, be said with some confidence that the League offers a convenient instrument, and an instrument that is likely to be chosen for such international action in the economic and financial sphere as the world desires to be taken. Including, as it does already, the neutral states of the world, and perhaps soon also to include the ex-enemy states, it is based upon a wider authority than any of the remaining associations of the Allied Powers. It starts relatively clear of the controversies, dissensions, and disillusionings with which the Allied Councils are inevitably associated in the public mind, and, above all, it has behind it the strength of an enthusiasm which no other institution can claim. It is to millions the hope and desire of the world.

## ECONOMIC OBLIGATIONS UNDER THE COVENANT

How far is the new economic and financial work so foreshadowed a part of the definite purposes of the League as contemplated in the Covenant? The general objects of the League, as they emerge in the Covenant, may perhaps be described as of three different kinds :

(a) The provision of a means of settlement, without war, of disputes and quarrels when these have arisen.

(b) The removal of whatever disturbs the good understanding between nations on which peace depends, that is, the removal of the causes of quarrels and disputes before they have arisen, and

(c) The provision of machinery by which (quite apart from questions of peace and war) nations of the world may mitigate suffering and promote progress by means of international co-operation.

Economic duties arise in relation to each one of these three main objects of the League.

*Economic Disputes.*—In regard to (a) (the settlement of disputes without recourse of war) the League provides for submission of disputes in definite cases to an international High Court of Justice, or to Arbitration, or to the Council, or the Assembly of the League. The disputes and quarrels so submitted may, of course, be of any character, but it is obvious that in many cases they will involve economic questions, and a part of the task of the League will therefore be to give decisions affecting economic conditions anywhere in the world which have resulted in a serious quarrel threatening the peace.

*Economic Causes of Friction.*—The economic duties of the League in regard to (b) (the removal of the *causes* of quarrels) are less immediate but more important. Without believing, with some advocates of the theory of *real* politics, that economic factors are the sole cause of war, and without ignoring the very

important part which questions of national sentiment, honour, religion, etc., may play, it is at least clear that economic conditions are among the more important, and perhaps the most important ultimate causes of international quarrels. It is therefore of the utmost necessity that the League, and the power which it wields, should be used tactfully, but with strength and resolution, to influence the economic policy of the different countries of the world in such a way as to reduce to a minimum the potential causes of economic friction. The difficulties of indicating the exact direction in which this power should be wielded are obvious. It is perhaps possible, however, without indiscretion, to make a few suggestions.

If great and developing countries have no access to the sea, no outlet for their industrial activity, no safety valve for their increasing and surplus populations by acceptable conditions of emigration, no reasonably fair and free entry into colonial or other markets of the world, the maintenance of a secure peace will clearly be impossible. A large proportion of the wars in the world's history have obviously resulted from the abuse of the power of government, in order to secure an undue commercial and economic advantage by means of political and military force which it commands. This abuse has sometimes taken the form of seizure of new territories, at other times of monopolistic exploitation of territory already acquired, and still again of the imposition of deliberately injurious systems of differential duties, dues, tariffs, subsidies, etc.

We have several indications of the direction in which League policy is likely to proceed in dealing with these problems.

There is first a provision of Article 23 of the Covenant, requiring Member States to make provision to secure and maintain freedom of communication and of transit, and equitable treatment for the commerce of all nations belonging to the League.

Then there are the arrangements under Chapter XII. of

the Treaty for securing free and equal terms of transit over four of the main rivers and certain of the great railways of central Europe.

In the third place, there is a provision as regards certain Mandatory colonies, that the terms of the Mandate shall secure to other members of the League privileges for freight and commerce equal to those possessed by the Mandatory Power.

In the fourth place there are a number of provisions limiting the extent to which Germany and Austria may impose barriers against the imports of other countries.

In the fifth place, there is Article 3 of the Fourteen Points, to which all the belligerents in the late War subscribed. This provides for the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace.

The range, importance, and difficulty of the duties which may fall upon the League under this heading need no emphasis.

*Economic Co-operation.* — Most immediately important, however, are perhaps the duties of a positive character, which may be regarded as falling under heading (c) above, *i.e.* the provision by the League of machinery by which nations may co-operate in any matter that mitigates human suffering or advances human progress. The question we have here to ask is whether the condition of the world requires international co-operation on a large scale, and if so, whether the political conditions are such as to render it possible. What are the fundamental facts in the general economic position of the world? They have, of course, been frequently stated in recent months, but it may be well to attempt to summarise them briefly once more.

### THE PROBLEM OF EUROPE TO-DAY

The most fundamental fact of all is that the production of Europe is not at present sufficient to support her present population. Mr. Hoover has estimated that the population

is at least 100 millions greater than can be supported without imports, and is therefore dependent upon the production and sale of exports. But Europe is not producing sufficient exportable goods, and is not within measurable distance of being able to do so. Before the War, with every advantage of a stable social and economic organisation, she was just able to maintain a population of some 450 millions. Of these, the vast majority lived a hard and laborious life, and enjoyed little more than the bare necessities of existence. Any reduction of production, therefore, must necessarily thrust a corresponding proportion of the population out of existence by starvation or semi-starvation, except to the extent to which the poorer can enjoy some of the superfluous riches of the wealthier.

To what extent then have the conditions in Europe affecting production changed since 1913? The production has disastrously declined; the only great food-exporting country, Russia, now exports nothing. In every country except the British Isles food production has diminished, land has fallen out of cultivation, and been starved of manures for five years. Ten to twenty millions of male workers in the prime of life have been lost, and a large proportion of children, of the aged, and of women, who produce less than they consume, have been left. Those who have survived are often disabled, weakened, or at the best exhausted by five years of intense effort and insufficient feeding. The dislocation of the exchanges is rendering international trade all but impossible, and even the exchange of products within a single country is in some cases rendered difficult or impossible by the utter debasement of currency. Europe is in fact over large areas thrust back towards the cumbrous, wasteful, and primitive method of barter. Transportation is disorganised, railway lines, locomotives, and trucks have been destroyed or damaged; such working capital as Europe normally possessed has largely disappeared. Those countries whose powers of production are greatest are handicapped by immense indebtedness for

loans or indemnity to other countries. Moreover, in some cases the very foundations of industrial production have been destroyed. Coal mines have been flooded and damaged, and factories ruined. Elsewhere, dislocation has been worse than destruction. New political boundaries create an obstacle to the free flow of raw materials, of coal, and of ore, to their relevant industries. The dislocation of prices and of exchanges has thrown the markets of the world into disorder, and makes production a hazardous gamble for the manufacturer.

### PSYCHOLOGY AND CREDIT

Social instability and social unrest destroy the very foundations of credit. Political chaos can only be averted by restarting the industrial machine and by the improvement of economic conditions. Industries cannot restart without the import of raw materials from other countries. Raw materials cannot be bought except upon credit, and both the political insecurity and all the other economic disabilities enumerated above stand in the way of credit being provided. And so matters proceed from bad to worse in a vicious circle. Among the many factors the following, perhaps, may be noted as of special importance.

The actual material destruction of the War is probably of much less importance than what may be called its psychological consequences. The habit of work has been weakened, and the routine of work has been largely destroyed. The stable organisation under which one man's effort fitted into and dovetailed with another has been dislocated. The root of the railway problem, for instance, is not so much an actual destruction of permanent ways and of locomotives and trucks, though that is serious. Far more important is the fact that a sort of paralysis has crept over the administration. The local personnel throughout the whole railway system, instead of feeling that they must bestir themselves to get a source of waste removed, now feel that they will be regarded

as bothering their superior officers if they complain. The transit of trains from area to area is impeded by the suspicion of every country from which trains depart, that neither they nor other trains in their place will ever return. Round every frontier, particularly of the new and less prosperous states, a bureaucratic blockade has been imposed which throttles the economic life of central Europe. Hungary will not send her food to Austria, nor Czecho-Slovakia her coal. Countries whose whole economic life depended upon a free interchange of their respective products find themselves broken up into separate and isolated compartments.

In addition there is still throughout the world a wave of what Mr. Hoover calls demoralised productivity. The reaction after four years of intense effort, combined in the Entente countries with a desire to enjoy the fruits of victory, in the ex-enemy states with a disinclination to work for the payment of indemnity, and in all countries with the serious discontent of labour with the conditions of work and the share of its rewards, have everywhere reduced production, particularly of the most basic materials of industry such as coal and ore.

Special emphasis must also be laid upon the fact that in the central part of the European economic system, *i.e.* Germany and Austria, it is difficult for reconstruction to commence because the very foundations are insecure. There is the weight not of a large indemnity, which might be payable and possible, but what is much more serious, the crushing weight of an unknown and uncertain indemnity. As soon as the indemnity can be fixed and settled, it may be possible for Germany to get the credit required to resupply her with raw materials and with food upon the basis of her future resources. As soon as the indemnity is fixed, the indemnity bonds she has issued may be the basis of loans of ready cash, but until the indemnity is fixed reconstruction can scarcely begin.

This is necessarily a gloomy and may read like a hopeless picture. We have to remember, however, two facts of

enormous importance—the first, that human nature is much more adaptable than any economist or academic theorist ever imagines. The experience of Germany during the War, and Austria during this last year, has shown that very clearly. In the second place, we must remember that during the long period of four years of the War, the world by an immense effort did produce not only enough to maintain the whole of the civilian population, but in addition enough to fight an exhaustive and exacting war, whose requirements alone were perhaps equal to the entire consumptive demands of the civilian population as a whole. This shows that under modern conditions of production there is, with proper organisation and with a desire to work, a real margin of productive capacity over the reasonable consumptive needs of the world's population.

#### THE PROGRAMME OF THE BRUSSELS CONFERENCE

This, briefly and inadequately summarised, is the situation which again began to convince the world that some form of international consultation and co-operation was still necessary, and which resulted in the arrangement of the International Financial Conference. Even before the Conference met, but partly perhaps because it had been arranged, great progress had been made in removing one of the most serious handicaps to economic reconstruction, the incubus of an *uncertain* indemnity obligation on Germany. The Conference discussed the financial problems of the world over a wide range. It received statements from many countries as to the main factors in their own financial position; their internal debt; their public finance (including taxation, currency, internal loans); their foreign trade (including exchange, credits, import restrictions, exchange controls); and their policy on each of these questions. Its discussions covered questions of Internal Financial Policy (taxation, internal debt, currency and exchange regulations), and the restoration of Trade Balance (including the effect of depreciated

exchanges, import restrictions, export policy, the economic conditions of recovery, *e.g.* transport, food, and raw materials), and foreign credit facilities.

## PRINCIPLES UNDERLYING A PERMANENT ECONOMIC ORGANISATION

It is of course impossible to conjecture what will be the immediate results of this Conference, and what effect it will have upon the permanent organisation of the League for financial or economic problems. This organisation, of course, does not at present exist. A section in the Secretariat is not, and cannot be, more than co-ordinating a nucleus. If the League is to be a real force, its organisation must be on an immensely wider and more ambitious basis.

What are the principles of such an organisation? I suggest a few, on the assumption that the world will desire the League to develop into being in time an integral and important factor in affecting the economic policy of the world.

(1) It is in the first place clear that neither a denationalised official staff, nor any other organisation established in Geneva or any other of the smaller centres of the world, can *in itself* be a real factor in influencing the economic decisions of the national Governments on which the world's prosperity and, to a large extent, the world's peace will ultimately depend. Such an organisation can, and should, be a useful co-ordinating secretariat, but the real organisation of the League must be located both in reality and visibly before the eyes of the world, not in one city but in sections in all the main capitals of the world. The Secretariat can co-ordinate, but it can neither control nor replace such a world-wide organisation.

(2) The administrative discovery of the War in the economic sphere was the advantage of *direct contact* between the departmental organisations of the Allies.

At the commencement of the War, communication, *e.g.*

between the Shipping Office of Great Britain and the Shipping Office of France, was *via* the Foreign Office. Even when the mass of detailed business got beyond the possibilities of such a method of communication, and the Commission Internationale de Ravitaillement was established, the same principle was followed, *i.e.* the Allied representatives in London, of whatever Allied Department and dealing with whatever subject, were grouped together in one organisation and communicated with the several British Departments, not direct but through a British Officer who exercised in this respect a Foreign Office function. Later in the War, however, the Commission Internationale de Ravitaillement and the whole principle on which it was founded were replaced by an organisation essentially international in character. This organisation, as developed by the Allied Maritime Transport Council at the end of the War, included machinery by which the Ministers of Munitions of the several Allied countries met directly on the Munitions Council, Food Ministers on a Food Council and (in fact though not in form above both, since shipping was the limiting factor) Shipping Ministers on the Allied Maritime Transport Council. Not only that, but throughout the whole range of supplies, the officials of the several Allied Departments met in daily work upon some sixteen Programme Committees and on the Transport Executive of the Transport Council. Throughout this immense sphere, therefore, current work was carried on by direct communication of expert with expert, and not by means of the formulation of a general national policy subsequently communicated from one country to another. The general assumption on which this organisation was based was one that was clearly true in the later stages of the War, *viz.*, that so far as there was any conflict of interest, it was mainly conflict between different services rather than between different countries, *e.g.* the competition of the Munitions programme as a whole, both British, French, and Italian, as against the Food Programme as a whole, for a limited amount of total

tonnage was more important than any conflict of interest between the British munitions programme and the French munitions programme, etc.

The task of the League will of course be a somewhat different one; its object will normally be to secure prior consultation, explanation, and agreement, rather than immediate executive action. But the main principle remains. Neither the Secretariat, which can never have sufficient authority, nor the Council (which will not be sufficiently specialised and will tend to be primarily concerned with political questions), nor the Assembly (which will in addition be too large and will meet too seldom) can by themselves do effective work in economic policy. What is needed is a Council, or a number of Councils, expert in character and powerful because they include those who have the actual power of decision in their respective Governments. These Councils should be co-ordinated and assisted by the Secretariat, but not actually controlled in their current action even by the Council of the League. They should be composed of or based upon sectional organisations in the main capitals of the world, and they should meet in conference from time to time in each of these capitals, as well as sometimes at the seat of the League.

Space does not suffice to speculate upon either the exact method of working, or the precise character of the tasks of such a world-wide organisation. But at the moment when the League enters upon a new sphere in arranging the Brussels Financial Conference, it is well perhaps to have in mind some of the problems of organisation and development that are likely to present themselves at and after that Conference.

To summarise this chapter, we may perhaps describe the present position briefly as follows: The great Allied organisations by which economic co-operation was achieved during the War have been destroyed. The whole world, however, is dominated and obsessed by economic problems, more difficult

and more important than any with which it has been confronted in its history. Many of these problems (the state of the exchanges, the necessity of credits for reconstruction, imports, the economic barriers imposed on political frontiers) are essentially international in character. We retain from the War the knowledge and experience of how, as a matter of administrative organisation, economic co-operation can be effected, and at least the memory of the international good will between the Allies which then made co-operation possible. We have in the League of Nations an instrument by which the world can again, if it so wishes, within a different range of action and for a different series of problems, secure international agreement and international action. We see some signs in the movement, for example, which has resulted in the arrangement of the Brussels Conference, that the world does indeed, within more restricted limits, desire this. The Conference itself will reveal the strength and character of this desire, and the direction in which action will proceed. The League of Nations and its organisation will then be ready and able to give effect to what the Conference shows that the world desires.

## XII

### TRANSPORTATION AND COMMUNICATIONS BETWEEN STATES

By M. A. CLAVEILLE, formerly Minister of Public Works in France,  
and President of the International Commission of Enquiry on  
Freedom of Communications and Transit, Paris, 1919-20.

#### THE OBLIGATIONS AND HERITAGE OF THE LEAGUE

ARTICLE 23 of the Covenant provides that the Members of the League of Nations shall take the necessary steps to ensure and guarantee freedom of transit and communications. What is the meaning of this undertaking? In what sense is it an innovation? To what extent does it merely maintain a long and prosperous tradition? How far is the conception of international co-operation, which underlies the Covenant, of practical and positive application in problems of communication as between different countries, and how far can its influence be extended? These are points worth careful consideration at a time like the present, when we are sometimes tempted to look on the League of Nations as a purely idealistic institution.

The need for international collaboration in examining and settling questions of transportation is no new thing. It was not first discovered by the framers of the Covenant. It is the result of many centuries of evolution; and the goal, if really attained, will be reached only after a long period of

development. It will be indeed the fruit of that scientific progress which has made distances shorter, and brought peoples together which once were far apart, till Nation is nearer to Nation than Province was to Capital.

National means of transport have followed in the wake of local means. Large national organisations have not in any way conflicted with the lawful interests of individual districts within a country, but have rather promoted these interests, have developed local resources, assisted exchange of produce, and increased the wealth of the community.

Not merely to-day, but throughout the nineteenth century, we have witnessed truly remarkable developments in international commerce, a growing intimacy between exporting and importing States, and an ever-increasing flow of long-distance international transport by boat, by rail, by post, by aeroplane, with the assistance of telegraphic, telephonic, and wireless communication. This has resulted quite naturally in a strong demand, not only for organisation and agreement as to technical methods within each separate country, but in a demand for continuous contact between the different national organisations themselves, for a fixed policy of mutual understanding, and for a real co-ordination of effort. A practical means of attaining this essential international co-ordination and a guarantee for its permanence has been and will continue to be afforded by the League of Nations, which, without any attempt at world revolution, is maintaining the standard of progress already reached, and will point the way to further improvement.

#### FROM THE CONGRESS OF VIENNA TO THE CONFERENCE AT PARIS (1815-1919)

It is now more than a hundred years since the States of Europe, assembled at the Congress of Vienna in 1815, had to face problems of reconstruction which were in some respects similar to our own. After the general upheaval caused by

the Napoleonic wars, they realised how necessary it was to ensure the stability of the law and the fixity of international principles of right, in dealings between State and State.

At that time the principal means of international transport in general use were river- and sea-craft. The most important trans-continental routes were the waterways whose navigable course passed through several States. Accordingly, the Congress of Vienna took up anew the discussion of proposals formulated by the National Convention of the French Revolution in 1792, and endeavoured to secure by a solemn agreement that same freedom of commercial navigation for all men on inland waterways as had long been practised at sea.

Unfortunately the Congress of Vienna confined its tasks to the mere elaboration and conclusion of a Treaty. This, indeed, forms a noteworthy memorial to the new ideas of the time, but the Congress terminated its labours without inserting in this Treaty the sanction and guarantees which were essential to the effective application of the principles there enunciated. It did not create a permanent international organisation, which should remain in vigour, maintain the tradition of international co-operation, and carry out in its practical details the work which had been initiated. It is true that certain special understandings were reached later on with regard to certain rivers, for example, the Rhine, the Danube, the Niger, and the Congo. These have formed the subject of international conventions and of conferences which were held with varying results throughout the nineteenth century. It is true also that many special agreements on such subjects were made between neighbouring States, for instance, between the United States and Canada. There is evidence, too, that the laws and regulations regarding navigation on the great South American rivers were influenced by that early declaration of principle. Yet, none the less, the work of the Congress of Vienna has in no way resulted, after the lapse of more than a hundred years, in the practical adoption of the system which, it seems safe to say, the founders had in mind.

The test is conclusive; the counter-test is equally so. Complete success in the field of international communication has only been achieved in one very special branch. The method there employed was one of permanent and practical collaboration, a method to which the Congress of Vienna had paid but little attention. The same method has already been adopted, and will doubtless be applied generally by and through the instrumentality of the League of Nations. The method referred to is that of the Universal Postal Union, with its periodic meetings of experts, its permanent Secretariat, and its international agreements.

These institutions at the outset met with the same criticisms, petulant objections, and opposition which are often directed against the analogous organisation of transit experts for the League of Nations. But after the fifty years of service rendered by the Universal Postal Union to international commerce and in aid of the exchange of ideas between peoples, there is no need to refute these criticisms.

The nineteenth century showed the way, but did not follow it to the end. It created no international body competent to examine important transport problems. It left questions as to the exploitation of most of the waterways and all the railways to be solved by international competition, which often resulted in such practices as *dumping*. On the great international waterways not even the application of the principles of the Congress of Vienna was secured. Gradually, however, the transport experts of most countries, realising the necessity for the co-ordination of effort, began to meet and to form themselves into groups, such as Railway, Road, or Navigation Congresses, which were sometimes official and sometimes not. They thus stimulated the growth of an international technical *esprit de corps* which was the first feeble pledge of the effective organisation that was to come. Certain States began to enter into general agreements on various special and permanent questions of transport or communications without daring to take the lead in proposing

universal, international Conventions on these subjects. Instances of such agreements are the European Convention of 1909 regarding motor traffic, the various measures taken by the Pan-American Conference with a view to constructing the trans-continental railway, and various Berne Conventions on the unification of technical methods and of railway transport contracts. These agreements sometimes led to the formation of permanent international organisations such as the International Railway Office at Berne and the Bureau of Pan-American Engineers at Washington.

### THE ACHIEVEMENTS AT PARIS

In striving to carry out its programme for the destruction of the seeds of war, the Paris Peace Conference did not fail to perceive the tremendous importance of real freedom in land and water transportation across national frontiers. The Treaties of Peace were setting up new land-locked States, and the Principal Allied and Associated Powers, as creators of these new nations, were under a strong obligation to provide for their economic development.

A few examples will perhaps illustrate the situation in 1919-1920. On land, let us take the route of the Orient Express. It starts in Switzerland, runs through Austria, Serbia, Bulgaria, and into Turkey. Each State along this traffic route is most properly jealous of its own rolling-stock, and customs house guards often add to the difficulties of inter-state traffic. There is as yet no body in the least comparable to the United States Inter-State Commerce, which has power to remove practically all hindrances to commerce arising from the existence of State boundary lines.

Then we have rivers like the Danube, which rises in Germany, flows through Czecho-Slovakia, Austria-Hungary, Serbia, Bulgaria, and Roumania into the Black Sea. No one State can claim much of a priority interest in such a stream, and over this river, as well as over the Rhine, the Elbe, and the Niemen,

the Conference has set up an International Commission—one for each of these highways of commerce. The Commissions are constituted in various ways, but their one big task is to keep the channel in good condition and to keep the way open for all. The Conference, however, did not stop here. Its Ports, Waterways, and Railways Commission was never content with general provisions, and it recognised the necessity for special stipulations to safeguard the interests of such inland States as Czecho-Slovakia. She was granted the right to run her own trains directly across Hungary, Austria, Yugo-Slavia to Trieste or Fiume, and to make use of Stettin as a Free Port as well.

So the Conference wrote (into the Treaty of Versailles) fifty pages on transportation questions, realising that economic strangulation must be prevented if wars are to cease.

#### THE WISDOM OF INTERNATIONAL DEPARTMENTAL NEGOTIATION

The task to-day is to continue on this road and to tolerate no unnecessary halt. Past efforts will show us the conditions necessary for securing efficacy and permanence. The present state of the world demands action.

Every man knows that the general uncertainty in transport conditions is both one of the causes and one of the aspects of the universal exchange crisis. This crisis has clearly pointed out to all a fact that has long been true, but whose truth has not always been so clear, that is, the importance of a close bond of union between the economic and technical forces of all the nations of the world, be they importers or exporters, consumers or producers. In face of the disturbances of the material and social world which threaten us and would involve all people, reasonable men are more disposed than ever to form technical groups, to co-ordinate their efforts, and to help the huge machine which moulds the economic life of the world to yield its maximum output. Doubtless

it is not merely by some formula of organisation that we shall in a moment find a solution for the harassing problems of the hour, nor yet of the more fundamental problems that will perhaps always be with us ; but we can at any rate prevent the inevitable material difficulties from being augmented by those which spring from traditional prejudices, political rivalries, and inability to come to a permanent understanding. We must not add to natural obstacles other difficulties created by ourselves. In these days, when every one is inclined first of all to do his utmost to help his own country, we must make sure that our efforts are not rendered in part useless by mutually conflicting purposes, by lack of organisation, and by anarchy.

In each country, therefore, the responsible Government departments must be enabled to arrive speedily at the solution of technical questions which, if not identical in each country, are at least very similar. Doubtless certain countries may have to abandon some of their traditional methods to secure agreement on such questions ; but this will be in their own interest as well as in the interest of others. Perhaps the difficulties will be less in problems of transit and communications than in other fields, and it may be that the change from the fundamental independence of the old system to the new method of co-ordination will not be so hard as one might expect. It seems clear that the march of technical progress, if unhampered by political complications, would long ago have condemned to isolation and ruin all those who would have dared to refuse trial to some system of international collaboration.

### THE NEW INTERNATIONAL CONVENTIONS

The League of Nations has now begun the creation of international technical organisations destined to possess a degree of stability and prestige of world-wide significance. This is certainly true geographically, as the number of partici-

pating nations includes important States from all continents ; and in general this body will be able to maintain a strong position because of its independence, and at the same time on account of its close relations with all other international bodies dealing with such technical problems. Thus, under the aegis of the League of Nations, qualified experts of every nation in the world will be able to carry out the joint investigation of any question on which they are divided in opinion, and in the majority of cases they will doubtless find that misunderstandings can largely be eliminated through personal contact. This has been proved not only by the records of similar organisations in the past, but also by the experience of inter-allied associations during the War, and through the work of various commissions at the Peace Conference. An acceptable way out of the difficult situation has thus been found, and, without recourse to the more ponderous procedure of diplomacy, which might often tend to complicate or aggravate the issue, a solution has been discovered which in a genuine atmosphere of good-will ripens into a settlement.

Some formal system is apparently required to establish permanent relations between the responsible technical services of the various countries so as to facilitate the investigation of transitory problems or of sudden difficulties. Beyond this it may be held that the principal task of the international transit organisation will be to focus attention on important international agreements of a permanent character, which alone can safeguard the freedom of communications, no matter what may be the changes in domestic policy or in economic orientation. First and foremost it will guarantee unrestricted transit, which is one of the most vital problems of the hour. It would, indeed, appear that, with the world in its present state, it is not only possible but essential to bring into the sphere of international law the principle of the freedom of transit which, so far, has had the virtual sanction of current practice, but is still left to the arbitrary treatment of individual parties.

It is self-evident that the class of transport known as "transit," that is to say, transport which, while passing through national territory, yet has its point of departure and arrival outside it, cannot be hindered or restricted at the pleasure of the State whose territory is traversed without obvious and unjustifiable damage resulting to the other States. Such damage naturally leads to reprisals such as are liable to make themselves felt far beyond the limits of the States which at the outset seemed the only interested parties. Thus the material embarrassment and the spirit of rivalry which is engendered tends to trouble the world's peace. As it is generally recognised in municipal law that an individual who must pass from his house through his neighbour's property in order to reach the main road is given the right of passage, so a State which is virtually compelled to exchange its products across a neighbour's territory should have guaranteed to it as a matter of right whatever transit privileges are essential. Otherwise any country, by impeding free transit or by imposing upon it special burdensome conditions, might levy on a neighbouring State what would be tantamount to an economic tribute. This power to exercise pressure might even be used to divert the normal flow of commerce. Such a situation is potentially injurious to all States which are alive to the importance of economic co-operation; to all, one may say, which are capable of taking a long view of their needs. Importing countries have an interest in receiving their goods by the cheapest route, without regard to the States whose territory must be traversed in the process; exporting countries are swayed by the same motives as regards delivery of their goods and the expansion of their trade. Countries across which large quantities of goods naturally pass have an interest in the development of such transportation, and consequently in the grant of legal guarantees to ensure stability. Last but not least, States deprived of access to the sea, of which there are so many in the new Europe, can only by such guarantees be assured that they will not,

despite themselves, become embroiled in the rivalry of their neighbours or, on account of perfectly legitimate competition, become the victims of the States across whose territory they must necessarily pass.

Free navigation on the great international waterways raises analogous problems and calls for similar guarantees. Such guarantees, in the case of certain rivers, existed before the recent Treaties of Peace, finding their place in the treaties concerning the international waterways of Central Europe. If a river forms the frontier between several countries, or traverses their territory, the State situated up stream must have the assurance that the State further down stream will not bar access to the sea, either to ships which fly the flag of the State further up stream, or to those of any other State. If this were not so, a State could make use of its geographical position to draw another State into the orbit of its own economic life, no matter whether that other State happened to be willing or not. This would of course destroy any guarantee of free and equal competition between all States. The principle of free commercial navigation which is admitted on the sea logically demands, and in practice, indeed, presupposes, the concession of free navigation on the waterways which give so many States access to the sea. This right can be more readily conceded at the present time as its disregard entails consequences which in practice are most dangerous and wasteful, such as transshipment at the passage of frontiers from a vessel flying one flag to another sailing under a different flag. This is always a ludicrous proceeding, but would, under prevailing conditions of transport, constitute a veritable outrage against the rights of the human race, striving, as it is now doing, to make the best use of the reduced means at its disposal.

Finally, certain harbours, and even certain kinds of rail-transport of a particularly international character, must be covered by similar guarantees.

This is the purport of the provisions of the International

Conventions to which Article 23 (e) of the Covenant of the League of Nations alludes, and which are more directly referred to in many Articles of the Treaty of Peace, where they are viewed as points which call for urgent settlement, namely, Conventions on freedom of transit, on navigable waterways, and on harbours and railroads. When these Conventions have actually been concluded—and they are now in course of preparation—there will be applied, in the sphere of rail and waterway communications, those principles which are already established and in force for the benefit of all in matters of postal and telegraphic communication.

Drawn up by the experts of all nations, welded into an organisation which the League of Nations is to call into being, these Conventions will in no wise present the character of international legislation derogatory to the sovereignty of States, but a compilation of clear-cut proposals and technical regulations, submitted to each State for its approval.

#### THE ORGANISATION OF EXPERTS UNDER THE LEAGUE

The work is already begun. A provisional organisation exists, and the outlines of its ultimate shape are already discernible.

Perhaps our surest ground for trust in the methods of international organisation are the facility, not to say spontaneity, with which they first took shape on very simple lines.

In September 1919 the French Government invited the Powers who had been represented on the Ports, Waterways, and Railways Commission at the Peace Conference (the United States of America, Belgium, British Empire, China, France, Greece, Italy, Japan, Poland, Portugal, Roumania, Serb-Croat-Slovene State, Czecho-Slovakia, and Uruguay), to which were subsequently added the Governments of the Argentine Republic, Brazil, Denmark, Norway, the Netherlands, Spain, Sweden, and Switzerland, to send their expert

technical representatives to Paris, in order to consider in what manner the League of Nations should discharge the tasks incumbent upon it in all that concerns communications and transit. There was thus called into being the Commission of Enquiry on the Freedom of Communications and Transit, which since that date has with virtual unanimity drawn up clear-cut proposals for international Conventions on matters which are within its competence, and also a project for a permanent organisation to continue its labours. At the opening of its first session the Commission voted in favour of entering into relations with the League of Nations, and for this reason its Secretariat was confided to a member of the International Secretariat of the League. Moreover, in February, the Council of the League officially recognised the great value of the work of the Commission, and the value of its collaboration. It was then affiliated to the League as a provisional advisory organisation.

The time has not yet come to detail the proposals for the Conventions on transit and navigable waterways, or the projected regulations for harbours which for special reasons are to come under international control. The text of these Conventions, already elaborated, will in due course be submitted to all the Governments concerned, and then be brought up for final discussion through the Section on Communications and Transit of the League of Nations, which has already given these Conventions much consideration.

It may now be useful to consider in general how the organisation of the League of Nations for problems of communications and transit would work once it had been definitely established.

A resolution recently passed by the Council of the League of Nations after consideration of a report by the Commission of Enquiry on the Freedom of Communications and Transit foresaw two institutions: firstly, a Plenary Conference comprising qualified experts representing all Members of the League of Nations, to meet either at regular intervals, or at

any rate as often as is found necessary; secondly, a committee more permanent in its character, but also more restricted numerically.

The Plenary Conference is to elaborate and revise international Conventions which come within its competence, and submit draft texts to the Members of the League for ratification; to frame "Recommendations" as to internal legislation to be adopted by the Member States; and to approve technical proposals for submission in certain cases to the Assembly itself. In this manner the Plenary Conference, under the control of the Council and Assembly of the League, is to become affiliated with it as a vast advisory body, which, gradually developing and building up a tradition of its own, will have its sphere of activity clearly defined, and its authority ensured.

This Conference, no matter whether it assembles at regular intervals or not, must necessarily confine itself to the essential task of preparing international agreements on the great and lasting problems of the day, but side by side will work a more restricted, flexible body accommodating itself more intimately to the daily life of the League of Nations. Its task might merely be to ensure preparatory work in the intervals between the meetings of the Conference, or to consider what action should follow its deliberations: *i.e.* to be the "Standing Committee on Communications and Transit," the administrative body or "sub-commission" which every Plenary Conference requires. More than that, however, it is destined to be the Commission which, under the control of the Council and the Assembly of the League of Nations—or, in special cases, as Advisory Committee to the Council—will take charge of the various missions which the technical organisations of the League of Nations have to undertake by virtue of Article 23 (*e*) of the Covenant. When informed of current proposals or requests, it will always be in a position to advise with regard to their significance, and to advocate such measures as may be required to safeguard, in the common

interest, the freedom of international communications against all unjustifiable restrictions.

Finally, it must be pointed out that the Treaties of Peace have introduced the principle of compulsory arbitration into the League of Nations, with regard to a multitudinous series of questions in the field of communications, and the Conventions which the Members of the League of Nations must frame in the future, in accordance with the terms of the Covenant, will unquestionably enlarge this field of arbitration. The "Standing Committee," intervening prior to judicial proceedings, and acting as an independent, expert body working for conciliation, should gradually win general confidence, and will, it is hoped, succeed in effecting rapid settlements of technical disputes, while these are in their initial stage. Thus serious difficulties may be disposed of before they have grown into political issues reacting upon and disturbing the world's peace.

The General Secretariat of the Transit Conference, as of the Standing Committee, is to be vested in the General Secretariat of the League of Nations. This should guarantee the maintenance of close relations between the organisation for Communications and Transit and other organisations of the League of Nations. The General Secretariat will naturally keep the Council and Assembly of the League of Nations constantly informed of the work of the organisation for Communications and Transit, so as to enable the responsible authorities of the League of Nations to ensure effective co-ordination and control.

This organisation, then, should be sufficiently elastic and should have sufficient independence to facilitate greatly the fulfilment of the international obligations of the Members of the League of Nations. Free to settle its own procedure and to debate and carry resolutions, to establish, as it were, direct contact between the administrative departments, respectively, of every country, and to preoccupy itself solely with technical issues, it can hardly fail to become a fruitful and courageous instrument of progress. Yet, it will remain

a body fully within the League of Nations, continuously in touch with the other organisations of the League, and receiving, if need be, direction and advice. The proposals and recommendations of this Transit organisation to the Members of the League will benefit by the prestige which it will maintain, and its action will redound to the credit of the League of Nations.

### THE KEY TO SUCCESS

Whatever may be the mechanism of an international organisation, or the nature of the problems which come before it, all that matters, in the end, is the spirit which animates those who collaborate in the work.

Up to the present time all the delegates who have taken part in the work already accomplished have been animated by the firm resolve to further international co-operation, notwithstanding their legitimate care for their well-founded national interests, believing as they have in the solidarity of the nations.

When the General Conference on Communications and Transit meets in the winter of 1920-21, and the general conventions which are to form the basis of the new international code in this field come up for the first time in official debate, the same belief must inspire the discussions if success is to be achieved.

Technical problems, such as those arising in the field of communications, may lend themselves more readily to an immediate settlement and to organised co-operation between States than issues of general policy ; hence it is the common study and investigation of such problems which will perhaps form the foundation on which the work of the League of Nations will rest.

Once international technical organisations have been called into being, they should in every sphere of activity harmonise effort and co-ordinate initiative. Without materially infringing upon the traditional rights of the States, the appeal

of these organisations to the good-will of all will—slowly but surely—open up the safest road, will touch the heart of nations in their daily existence, and will benefit them by caring for their interests. Thus will confidence be created in the real achievements and in the efficacy of the League of Nations.

### XIII

## INTERNATIONAL ASSOCIATIONS OF VARIOUS TYPES

By HENRI LA FONTAINE, Member of the Belgian Senate,  
and M. PAUL OTLET.

THE free grouping together of men in local, regional, national, and, finally, international associations is a phenomenon which first attained importance during the past century. From the moment when facility of communications allowed men to meet together more easily, co-operation and collaboration have, in some degree or another, appeared in every field of human activity. The result has been an interchange of ideas, of plans, and of achievements, which have gone far towards creating a "universal mentality." The idea of a League of Nations was the logical and inevitable outcome of these developments, which were remarkable both for their spontaneity and their scope. And as such the League deserves the very special attention of all who are concerned to give to the political, economic, and social structure of the world some organic form, which may assure to the human race as a whole that full and harmonious development of its illimitable possibilities which is the desire of the common people everywhere.

The development of an international spirit is principally due to the slow and laborious establishment, from the middle

of the sixteenth century onwards, of a world-market, concerned at first in the traffic in spices, rare metals, and precious stones, but in the end coming to deal with the exchange of all articles of general consumption. This spirit, which at first was restricted to but a few, is more and more affecting the great masses of the people. The use of steam and electricity has multiplied the opportunities of international contact, which have become more and more indispensable as they have become more rapid and less burdensome; the railway train and the telegraph have made of the labourer bound down to the soil a citizen of the world.

It is noteworthy that it is in these two spheres of Transport and Labour that world organisation has gone furthest. Agreements establishing Uniformity of Maritime Signals (1857), The Right of Way at Sea (1863), The Telegraph Union (1865), The Postal Union (1874), The Protection of Submarine Cables (1884), The Technical Unification of Railways (1886), The Transport of Goods by Rail (1893), The Radio-Telegraphic Union (1906), Automobile Traffic (1909), Aerial Navigation (1919)—such are the successive steps which have given to the world a whole system of perfected and standardised communication. There is no need to point out the modifications and the developments required: ports, rivers, canals, trans-continental routes, aerodromes, land-beacons, and light-houses—all these are already being studied by the specialists, and before long will become the subject of concerted measures on the part of the different Governments.

*Labour* found international expression in the Secretariat of National Trade Union Federations, which was established at Berlin before the War, but is now transferred to Amsterdam. In 1912 it represented seven million organised workers. Moreover, for more than thirty different trades international federations exist, among which those of the miners, sailors, dockers, metal-workers, diamond cutters, glove-makers, compositors, railway workers, are the best known. Further, specially difficult questions affecting the international regula-

tion of labour are dealt with by the International Association for the Legal Protection of Workers, whose headquarters are at Basel. The present-day importance of these problems secured the insertion in the Treaty of Versailles of a veritable Labour Charter ; but this official endorsement will not mean the disappearance of the federative representation of the different trades, as the latter answers to aspirations far too intense to give way before an institution in which the working classes will, after all, possess not more than a quarter of the representation. All the tendencies which have appeared since the end of the War seem to show that the international collaboration of the workers of the world will become more and more systematic. Thus, deliberate and conscious collaboration will be one of the most notable events of the next few years. But it is not easy to indicate what direction this development may take : though in respect of other international activities it is less difficult to determine the direction which events may take, and to estimate the next steps forward. One cannot, however, ascertain the motives which, in the first instance, led persons who were pursuing similar researches, or endeavouring to achieve analogous reforms, to deliberate together during a few brief hours. But the fact is that the greater part of these international groupings originated in congresses or conferences convened by individuals without any authority other than that resulting from their own special studies. The desire to know more intimately specialists who have arrived at similar conclusions, the opportunity of addressing a limited but competent public, the chance of acting upon the public authorities and the public opinion of the country where the meeting may take place, the advantage of visiting institutions or taking part in demonstrations under exceptional conditions, and of publishing special memoranda which otherwise doubtless would never have been published—all these things, it would seem, help to account for the multiplication of international conferences.

Successive meetings, however, soon follow each other with

a certain regularity. Then the need of preparing for them with greater care imposes on the promoters of these international meetings the creation of a permanent organism: bureau, office, council, or committee. Then the need for a fixed headquarters makes itself felt. Archives are established, collective labours are undertaken: investigations, statistics, bibliographies, various publications. The selection of the members of these international meetings becomes more systematic. Instead of being inchoate collections of individuals, these assemblies tend to become more representative, and the international organism comes to partake of a federative character. Those who take part attend the discussions not so much as independent individualities as delegates of national organisations.

Of course, all international associations have not developed to an equally complete degree, yet all of them tend to transform themselves into federations, and the most recent, such as the International Council of Research, the International Parliamentary Commercial Conference, and the Union of Voluntary Associations for the League of Nations, have adopted this form. Among the older organisations one may mention the International Council of Women, the International Red Cross, the International Union of Peace Societies, and the International Socialist Congress.

But this movement towards a federative transformation, which appeared separately in a certain number of International Associations, extended beyond the individual associations and came to envelop them all. This was the starting-point of the Union of International Associations. It was seen that all had needs in common, and that certain of their claims would gain force by collective expression. Now that the League of Nations has been established, the usefulness of such a mutual understanding is clearer than ever. The Union of International Associations represents in fact the sum-total of the world's intellectual activity, and can address itself henceforth, not to each association separately, but to an

organism destined to become the highest and most authoritative outcome of them all. By this concentration of hitherto disseminated efforts, the rôle of intellectual activity in the world should gain in prestige and exert a serious influence on future events.

The Union of International Associations, which was formed in 1910, and which before the War numbered 230 different groups, devoted itself in the first place to establishing a world-centre, and to providing it with a most complete equipment for acquiring information. In an *Annuaire de la Vie Internationale*, of which the two first volumes cover the years 1908-9 and 1910-11, while the third was in the press in 1914, an exhaustive inquiry was made into all the international organisations, numbering 400, which existed during this period. This inquiry is being carried out with the greatest care, and reveals the fact that almost all the International Associations have survived the War. They are more determined than ever to continue the work of world-wide co-operation of which they are the pioneers, and to put their services at the disposal of the League of Nations.

This co-operation materialised in the vast services that have been installed at the world-centre, viz. the Universal Bibliography, containing more than 12,000,000 references; the Documentary Archives, made up of 10,000 files and containing over 700,000 notes of every kind; the Collective Library, which, if the international depot of printed works is entrusted to the Central Office of International Associations, should become the most complete collection of books and pamphlets of the twentieth century.

Thanks to the international methods of classification applied, and to the various services which the world-centre directs, information so collected can at once be put at the disposal of interested parties and affiliated societies. But such an accumulation is really useful only when it is something more than a mere accumulation; it must be a living thing; there must be an ever-wakeful organisation at work

upon the information that has been collected. A mission of elaboration and diffusion also devolved upon the collective International Associations, and thus the world-centre took the initiative in creating an International Museum, a Universal Encyclopaedia, and an International University.

The International Museum, inaugurated in 1910, undertakes, by means of diagrams and maps and other appropriate objects, to symbolise, under synthetic forms, the vast movement of which the International Associations are the agents. By various duplicating processes, it will be possible to multiply these means of representation and to make them instruments of general education, readily transportable into any country; it is easy to appreciate the considerable rôle that each of the International Associations is destined to play in the preparation and diffusion of the necessary materials.

It is for the Universal Encyclopaedia and the International University to develop in written and spoken form the data gathered from the collected books and documents, adapting them to the needs and aspirations which the transformation of the world into a collective organism will create in the best intellects of the day. The mission which in this connection devolves upon the International Associations is of the highest importance and vastest scope. They will be the guardians of that international spirit with which all human activities should henceforth be imbued. It is important that all things should be reconsidered in this new aspect, and that an ever-increasing number of individuals should be made aware of the results of the enormous endeavours—scientific, technical, economic, and social—which are being made throughout the world. It has been thought that the adoption of new methods for the collection of knowledge and the organisation of a superior post-university study would be a step towards the attainment of this object.

The International Associations are numerous and are often devoted to a definitely limited branch of science or technology. This diffusion of energy was of a nature to diminish its

efficacy, and in certain spheres—notably in medicine, law, the social sciences, and sport—a grouping spontaneously manifested itself similar to that of the Faculties in a university. The Union of International Associations considered that this tendency should be systematised, and that the researches to be carried out by the affiliated institutions should be handed over to sections, apart from the divisions already enumerated, which should specialise in the pure sciences, economic sciences, technical studies, education, history, geography, and the Fine Arts. It is essential that all isolated work should be, as it were, enriched by contributions from cognate sources. In the stage of evolution we have reached constant co-operation is desirable ; it is more and more necessary for each individual to persuade himself that his effort is made in fulfilment of a world duty, and it is for the world's choice spirits to use the instrumentality of the world-centre to maintain their mutual contact.

Moreover, from the point of view of the normal development of the League of Nations, there is a considerable advantage in such a co-operative conception of intellectual work. For a full realisation of its aims, the League must develop in an atmosphere of understanding and collaboration. It must have recourse, for a great number of the problems which it will have to solve, to the most competent specialists. This has already been the case in the unification of statistical methods, in the international organisation of hygiene, and in the constitution of the Court of International Justice. It may develop that the International Associations, federated in special sections, as indicated above, will form real International Advisory Councils, whose authority will be the more respected in that they will have applied themselves with greater care to the task of finding solutions unanimously acceptable to recognised authorities. It may even be predicted that they will be granted rights of petition and of initiative ; and they will indeed be rightly considered the most authoritative representatives of universal public opinion.

With the coming into force of the Treaty of Versailles the International Associations are now entering on a new era. By Article 24 those international bureaux which have already been instituted by formal treaties, organisations of a governmental nature such as are listed in the *Annuaire* under *Vie Internationale Publique*, are, if the parties to the original treaties consent, placed under the direction of the League of Nations. All such international bureaux and commissions formed in the future will fall automatically under its direction. Provision is made that the expenses of any bureau so placed may be included as part of the expenses of the League Secretariat. However, the Secretariat is directed by the Treaty to give aid that is needed, and especially, if the Council and the parties interested consent, by collecting and distributing all relevant information regarding matters of interest which are regulated by general conventions, but which are not placed under the control of international bureaux or commissions.

Private voluntary organisations such as are listed in the *Annuaire* under *Vie Internationale Privée*, whether or not enjoying Government subsidies, are not to be placed under the direction of the League, though this does not preclude their receiving assistance if their usefulness and importance are recognised by the Council. Of these the Red Cross Society occupies a unique position, for by Article 25 the members of the League are specifically pledged to aid it in the establishment of new organisations and in the encouragement of their co-operation.

The Union of International Associations placed its services at the disposal of the League of Nations from the moment the latter came into being, and it was happy to be able to lend its assistance in publishing a list of associations, institutions, commissions, international offices, etc., which were in existence at the end of 1919. Negotiations have been carried on since then, resulting in the decision to publish a Compendium of the wishes, resolutions, and proposals formulated by

the assemblies and congresses owing their inception to the initiative of International Associations. This work will represent the sum-total of human aspirations in every sphere of the world's activity. The relations thus established between the Union of International Associations and the League of Nations completely conform to the spirit which inspired Article 24 of the Covenant; the League of Nations cannot ignore any movements which group together men of different nationalities, and it has even thought it worth while to set apart one of the sections of its Secretariat for the special study of international bodies and of the relations eventually to be established with these. It was natural that its attention should be specially drawn to that organisation which had endeavoured to group together all the other international associations and to co-ordinate their efforts. May the co-operation thus begun, thus freely offered and accepted, lead to the achievement of notable results !

There is no doubt that a movement which has established itself with an intensity increasing in proportion to the multiplying relations between the peoples rests upon profound bases and answers to irrepressible needs. Suffice it to point out that since 1843, from decade to decade, the number of international conferences has regularly doubled (9-20-77-169-309-510-1070) until in the first four years of the decade beginning with 1910 it reached a total of 494. Since the Armistice, in spite of the obstacles resulting from passports and difficulties of transport, seventy-seven international assemblies have been held. This activity may give cause for great satisfaction, for, more than any other sign, it bears witness to the vitality of a task undertaken in the common interests of humanity. It is for those who truly desire to deliver the nations from the nightmare of another war to provide the International Associations with the material means of continuing this magnificent work of pacific and fruitful concord and understanding.



## APPENDICES



# I

## THE COVENANT OF THE LEAGUE OF NATIONS, WITH A COMMENTARY THEREON

*Presented to Parliament by Command of His Majesty. June 1919.*

*(Miscellaneous. No. 3, 1919)*

### THE COVENANT OF THE LEAGUE OF NATIONS

THE High Contracting Parties, in order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another, agree to this Covenant of the League of Nations.

#### ARTICLE 1

The original Members of the League shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion, or Colony not named in the Annex may become a Member of the League if its admission

is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval, and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

## ARTICLE 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

## ARTICLE 3

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require, at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

## ARTICLE 4

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Greece, and Spain shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose

Representatives shall always be members of the Council ; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

#### ARTICLE 5

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of committees to investigate particular matters, shall be regulated by the Assembly or by the Council, and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE 6

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex ; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 7

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

#### ARTICLE 8

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the

League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

#### ARTICLE 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8, and on military, naval, and air questions generally.

#### ARTICLE 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE 11

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE 12

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will

submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

### ARTICLE 13

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

### ARTICLE 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

## ARTICLE 15

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of

that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-

breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### ARTICLE 17

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

## ARTICLE 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

## ARTICLE 20

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

## ARTICLE 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

## ARTICLE 22

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsi-

bility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and

examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League—

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations ;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control ;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs ;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest ;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection the special necessities of the regions devastated during the War of 1914–1918 shall be borne in mind ;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

#### ARTICLE 24

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions, but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

## ARTICLE 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

## ARTICLE 26

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

## ANNEX TO THE COVENANT

## 1. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS

*Signatories of the Treaty of Peace*

United States of America.	British Empire. Canada.	China. Cuba.
Belgium.	Australia.	Czecho-Slovakia.
Bolivia.	South Africa.	Ecuador.
Brazil.	New Zealand.	France.
	India.	Greece,

Guatemala.	Liberia.	Roumania.
Haiti.	Nicaragua.	Serb - Croat - Slovene
Hedjaz.	Panama.	State.
Honduras.	Peru.	Siam.
Italy.	Poland.	Uruguay.
Japan.	Portugal.	

*States Invited to Accede to the Covenant*

Argentine Republic.	Norway.	Spain.
Chile.	Paraguay.	Sweden.
Colombia.	Persia.	Switzerland.
Denmark.	Salvador.	Venezuela.
Netherlands.		

2. FIRST SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

The Hon. Sir James Eric Drummond, K.C.M.G., C.B.

## COMMENTARY ON THE LEAGUE OF NATIONS COVENANT

THE first draft of the Covenant of the League of Nations was published on February 14, 1919; in the weeks following its publication the League of Nations Commission had the benefit of an exchange of views with the representatives of thirteen neutral Governments, and also of much criticism on both sides of the Atlantic. The Covenant was subjected to careful re-examination, and a large number of amendments were adopted. In its revised form it was unanimously accepted by the representatives of the Allied and Associated Powers in Plenary Conference at Paris on April 28, 1919.

The document that has emerged from these discussions is not the Constitution of a super-State, but, as its title explains, a solemn agreement between sovereign States, which consent to limit their complete freedom of action on certain points for the greater good of themselves and the world at large. Recognising that one generation cannot hope to bind its successors by written words, the Commission has worked throughout on the assumption

that the League must continue to depend on the free consent, in the last resort, of its component States ; this assumption is evident in nearly every Article of the Covenant, of which the ultimate and most effective sanction must be the public opinion of the civilised world. If the nations of the future are in the main selfish, grasping, and warlike, no instrument or machinery will restrain them. It is only possible to establish an organisation which may make peaceful co-operation easy and hence customary, and to trust in the influence of custom to mould opinion.

But while acceptance of the political facts of the present has been one of the principles on which the Commission has worked, it has sought to create a framework which should make possible and encourage an indefinite development in accordance with the ideas of the future. If it has been chary of prescribing what the League shall do, it has been no less chary of prescribing what it shall not do. A number of amendments laying down the methods by which the League should work, or the action it should take in certain events, and tending to greater precision generally, have been deliberately rejected, not because the Commission was not in sympathy with the proposals, but because it was thought better to leave the hands of the statesmen of the future as free as possible, and to allow the League, as a living organism, to discover its own best lines of development.

### THE MEMBERS OF THE LEAGUE

Article 1 contains the conditions governing admission to the League, and withdrawal from it. On the understanding that the Covenant is to form part of the Treaty of Peace, the Article has been so worded as to enable the enemy Powers to agree to the constitution of the League, without at once becoming members of it. It is hoped that the original Members of the League will consist of the thirty-two Allied and Associated Powers signatories of the Treaty of Peace, and of thirteen neutral States.

It is to be noted that original Members must join without reservation, and must, therefore, all accept the same obligations.

The last paragraph is an important affirmation of the principle of national sovereignty, while providing that no State shall be able to withdraw simply in order to escape the consequences of having violated its engagements. It is believed that the

concession of the right of withdrawal will, in fact, remove all likelihood of a wish for it, by freeing States from any sense of constraint, and so tending to their more whole-hearted acceptance of membership.

### THE ORGANS OF THE LEAGUE

Articles 2-7 describe the constitutional organs of the League.

The Assembly, which will consist of the official representatives of all the Members of the League, including the British Dominions and India, is the Conference of States provided for in nearly all schemes of international organisation, whether or not these also include a body of popular representatives. It is left to the several States to decide how their respective delegations shall be composed; the members need not all be spokesmen of their Governments.

The Assembly is competent to discuss all matters concerning the League, and it is presumably through the Assembly that the assent of the Governments of the world will be given to alterations and improvements in international law (see Article 19), and to the many conventions that will be required for joint international action.

Its special functions include the selection of the four minor Powers to be temporarily represented on the Council, the approval of the appointment of the Secretary-General, and the admission (by a two-thirds' majority) of new members.

Decisions of the Assembly, except in certain specified cases, must be unanimous. At the present stage of national feeling, sovereign States will not consent to be bound by legislation voted by a majority, even an overwhelming majority, of their fellows. But if their sovereignty is respected in theory, it is unlikely that they will permanently withstand a strong consensus of opinion, except in matters which they consider vital.

The Assembly is the supreme organ of the League of Nations, but a body of nearly 150 members, whose decisions require the unanimous consent of some fifty States, is plainly not a practical one for the ordinary purposes of international co-operation, and still less for dealing with emergencies. A much smaller body is required, and, if it is to exercise real authority, it must be one which represents the actual distribution of the organised political power of the world.

Such a body is found in the Council, the central organ of the League, and a political instrument endowed with greater authority than any the world has hitherto seen. In form its decisions are only recommendations, but when those who recommend include the political chiefs of all the Great Powers and of four other Powers selected by the States of the world in assembly, their unanimous recommendations are likely to be irresistible.

The mere fact that these national leaders, in touch with the political situation in their respective countries, are to meet once a year, at least, in personal contact for an exchange of views, is a real advance of immense importance in international relations. Moreover, there is nothing in the Covenant to prevent their places being taken, in the intervals between the regular meetings, by representatives permanently resident at the Seat of the League, who would tend to create a common point of view, and could consult and act together in an emergency. The pressure of important matters requiring decision is likely to make some such permanent body necessary, for the next few years at least.

The fact that for the decisions of the Council, as of the Assembly, unanimity is ordinarily required, is not likely to be a serious obstacle in practice. Granted the desire to agree, which the conception of the League demands, it is believed that agreement will be reached, or at least that the minority will acquiesce. There would be little practical advantage, and a good deal of danger, in allowing the majority of the Council to vote down one of the Great Powers. An important exception to the rule of unanimity is made by the clause in Article 15 providing that, in the case of disputes submitted to the Council, the consent of the parties is not required to make its recommendations valid.

The second paragraph of Article 4 allows for the admission of Germany and Russia to the Council when they have established themselves as Great Powers that can be trusted to honour their obligations, and may also encourage small Powers to federate or otherwise group themselves for joint permanent representation on the Council. Provision is made for securing that such increase in the permanent membership of the Council shall not swamp the representatives of the small Powers, but no fixed proportion between the numbers of the Powers in each category is laid down.

The interests of the small Powers are further safeguarded by the fifth paragraph of Article 4. Seeing that decisions of the

Council must be unanimous, the right to sit "as a member" gives the State concerned a right of veto in all matters specially interesting it, except in the settlement of disputes to which it is a party. The objection that this provision will paralyse the efforts of the Council does not seem valid, as it is most unlikely that the veto would be exercised except in extremely vital matters.

The relations between the Assembly and the Council are purposely left undefined, as it is held undesirable to limit the competence of either. Cases will arise when a meeting of the Assembly would be inconvenient, and the Council should not therefore be bound to wait on its approval. Apart from the probability that the representatives of States on the Council will also sit in the Assembly, a link between the two bodies is supplied by the Permanent Secretariat, or new international Civil Service.

This organisation has immense possibilities of usefulness, and a very wide field will be open for the energy and initiative of the first Secretary-General. One of the most important of his duties will be the collection, sifting, and distribution of information from all parts of the world. A reliable supply of facts and statistics will in itself be a powerful aid to peace. Nor can the value be exaggerated of the continuous collaboration of experts and officials in matters tending to emphasise the unity, rather than the diversity of national interests.

### THE PREVENTION OF WAR

Articles 8-17, forming the central and principal portion of the Covenant, contain the provisions designed to secure international confidence and the avoidance of war, and the obligations which the Members of the League accept to this end. They comprise :

- (1) Limitation of armaments.
- (2) A mutual guarantee of territory and independence.
- (3) An admission that any circumstance which threatens international peace is an international interest.
- (4) An agreement not to go to war till a peaceful settlement of a dispute has been tried.
- (5) Machinery for securing a peaceful settlement, with provision for publicity.

- (6) The sanctions to be employed to punish a breach of the agreement in (4).
- (7) Similar provisions for settling disputes where States not members of the League are concerned.

All these provisions are new, and together they mark an enormously important advance in international relations.

Article 8 makes plain that there is to be no dictation by the Council or any one else as to the size of national forces. The Council is merely to formulate plans, which the Governments are free to accept or reject. Once accepted, the members agree not to exceed them. The formulation and acceptance of such plans may be expected to take shape in a general Disarmament Convention, supplementary to the Covenant.

The interchange of information stipulated for in the last paragraph of the Article will, no doubt, be effected through the Commission mentioned in Article 9. The suggestion that this Commission might be given a general power of inspection and supervision, in order to ensure the observance of Article 8, was rejected for several reasons. In the first place, such a power would not be tolerated by many national States at the present day, but would cause friction and hostility to the idea of the League; nor, in fact, is it in harmony with the assumption of mutual good faith on which the League is founded, seeing that the members agree to exchange full and frank information; nor, finally, would it really be of practical use. Preparations for war on a large scale cannot be concealed, while no inspection could hope to discover such really important secrets as new gases and explosives and other inventions of detail. The experience of our own Factory Acts shows what an army of officials is required to make inspection efficient, and how much may escape observation even then. In any case, the League would certainly receive no better information on such points of detail from a Commission than that obtained through their ordinary intelligence services by the several States.

Nor can the Commission fill the rôle of an International General Staff. The function of a General Staff is preparation for war, and the latter requires the envisagement of a definite enemy. It would plainly be impossible for British officers to take part in concerting plans, however hypothetical, against their own country, with any semblance of reality; and all the members of a staff must work together with complete confidence. It is

further evident that no State would communicate to the nationals of its potential enemies the information as to its own strategic plans necessary for a concerted scheme of defence. The most that can be done in this direction by the Commission is to collect non-confidential information of military value, and possibly to work out certain transit questions of a special character.

In Article 10 the word "external" shows that the League cannot be used as a Holy Alliance to suppress national or other movements within the boundaries of the Member States, but only to prevent forcible annexation from without.

It is important that this Article should be read with Articles 11 and 19, which make it plain that the Covenant is not intended to stamp the new territorial settlement as sacred and unalterable for all time, but, on the contrary, to provide machinery for the progressive regulation of international affairs in accordance with the needs of the future. The absence of such machinery, and the consequent survival of treaties long after they had become out of date, led to many of the quarrels of the past; so that these Articles may be said to inaugurate a new international order, which should eliminate, so far as possible, one of the principal causes of war.

Articles 12-16 contain the machinery for the peaceful settlement of disputes, and the requisite obligations and sanctions, the whole hinging on the cardinal agreement that a State which goes to war without submitting its ground of quarrel to arbitrators or to the Council, or without waiting till three months after the award of the former or the recommendation of the latter, or which goes to war in defiance of such award or recommendation (if the latter is agreed to by all members of the Council not parties to the dispute), thereby commits an act of war against all the other Members of the League, which will immediately break off all relations with it and resort, if necessary, to armed force.

The result is that private war is only contemplated as possible in cases when the Council fails to make a unanimous report, or when (the dispute having been referred to the Assembly) there is lacking the requisite agreement between all the Members of the Council and a majority of the other States. In the event of a State failing to carry out the terms of an arbitral award, without actually resorting to war, it is left to the Council to consider what steps should be taken to give effect to the award;

no such provision is made in the case of failure to carry out a unanimous recommendation by the Council, but it may be presumed that the latter would bring pressure of some kind to bear.

In this, as in other cases, not the least important part of the pressure will be supplied by the publicity stipulated for in the procedure of settlement. The obscure issues from which international quarrels arise will be dragged out into the light of day, and the creation of an informed public opinion made possible.

Article 13, while not admitting the principle of compulsory arbitration in any class of disputes, to some extent recognises the distinction evolved in recent years between justiciable and non-justiciable causes, by declaring that in certain large classes of disputes recourse to arbitration is *prima facie* desirable.

The Permanent Court of Justice, to be set up under Article 14, is essential for any real progress in international law. As things now stand, the political rather than the judicial aspect of the settlement of disputes is prominent in the Covenant, but "political" settlements can never be entirely satisfactory or just. Ultimately, and in the long run, the only alternative to war is law, and for the enthronement of law there is required such a continuous development of international jurisprudence, at present in its infancy, as can only be supplied by the progressive judgments of a Permanent Court working out its own traditions. Isolated instances of arbitration, however successful, can never result to the same extent in establishing the reign of law.

Under Article 15 a dispute referred to the Council can be dealt with by it in several ways :

- (1) The Council can keep the matter in its own hands, as it is certain to do with any essentially political question in which a powerful State feels itself closely interested.
- (2) It can submit any dispute of a legal nature for the opinion of the Permanent Court, though in this case the finding of the Court will have no force till endorsed by the Council.
- (3) While keeping the matter in its own hands, the Council can refer single points for judicial opinion.
- (4) There is nothing to prevent the Council from referring any matter to a committee, or to prevent such a committee from being a standing body. An opening is left, therefore, for the reference of suitable issues to such non-political bodies as the "Commissions of Conciliation"

which are desired in many quarters. The reports of such committees would of course require the approval of the Council to give them authority, but the Covenant leaves wide room for development in this direction.

- (5) The Council may at any time refer a dispute to the Assembly. The procedure suggested under (2), (3), and (4) will then be open to the Assembly.

It has been already pointed out that, in the settlement of disputes under this Article, the consent of the parties themselves is not necessary to give validity to the recommendations of the Council. This important provision removes any inconvenience that might arise in this connection from the right (see Article 4) of every Power to sit as member of the Council during the discussion of matters specially affecting it. We may expect that any Power claiming this right in the case of a dispute will be given the option of declaring itself a party to the dispute or not. If it declares itself a party, it will lose its right of veto ; if not, it will be taken to disinterest itself in the question, and will not be entitled to sit on the Council.

The sanctions of Article 16, with the exception of the last paragraph, apply only to breaches of the Covenant involving a resort to war. In the first instance, it is left to individual States to decide whether or not such a breach has occurred and an act of war against the League been thereby committed. To wait for the pronouncement of a Court of Justice or even of the Council would mean delay, and delay at this crisis might be fatal. Any State, therefore, is justified in such a case in breaking off relations with the offending State on its own initiative, but it is probable, in fact, that the smaller States, unless directly attacked, will wait to see what decision is taken by the Great Powers or by the Council, which is bound to meet as soon as possible, and is certain to do so within a few hours. It is the duty of the Council, with the help of its military, naval, and air advisers, to recommend what effective force each Member of the League shall supply ; for this purpose, each Member from which a contribution is required has the right to attend the Council, with power of veto, during the consideration of its particular case. The several contingents will therefore be settled by agreement, as is indeed necessary if the spirit of the Covenant is to be preserved, and if joint action is to be efficacious. But it is desirable at this point

to meet the objection that under such conditions the League will always be late, and consequently offers no safeguard against sudden aggression.

It is true that, in default of a strong international striking force, ready for instant action in all parts of the world, the Members of the League must make their own arrangements for immediate self-defence against any force that could be suddenly concentrated against them, relying on such understandings as they have come to with their neighbours previously for this purpose. There is nothing in the Covenant (see Article 21) to forbid defensive conventions between States, so long as they are really and solely defensive, and their contents are made public. They will, in fact, be welcomed, in so far as they tend to preserve the peace of the world.

To meet the first shock of sudden aggression, therefore, States must rely on their own resistance and the aid of their neighbours. But where, as in the case of the moratorium being observed, the aggression is not sudden, it is certain that those Powers which suspect a breach of the Covenant will have consulted together unofficially to decide on precautionary measures and to concert plans to be immediately put into force if the breach of the Covenant takes place. In this event these meetings of the representatives of certain Powers will develop into the Supreme War Council of the League, advised by a joint staff. Some reasons why this staff must be an *ad hoc* body, and not a permanent one, have been stated under Article 8.

The last paragraph of Article 16 is intended to meet the case of a State which, after violating its covenants, attempts to retain its position on the Assembly and Council.

Article 17 asserts the claim of the League that no State, whether a Member of the League or not, has the right to disturb the peace of the world till peaceful methods of settlement have been tried. As in early English law any act of violence, wherever committed, came to be regarded as a breach of the King's peace, so any and every sudden act of war is henceforward a breach of the peace of the League, which will exact due reparation.

#### TREATIES AND UNDERSTANDINGS

Articles 18-21 describe the new conditions which must govern international agreements if friendship and mutual confi-

dence between people are to prevail; the first three provide that all treaties shall be (1) public, (2) liable to reconsideration at the instance of the Assembly, and (3) consonant with the terms of the Covenant. These provisions are of the very first importance.

Article 18 makes registration, and not publication, the condition for the validity of treaties, for practical reasons, since experience shows that the number of new international agreements continually being made is likely to be so great that instant publication may not be possible; but it is the duty of the Secretariat to publish all treaties as soon as this can be done.

Article 19 should be read together with Article 11.

Article 21 makes it clear that the Covenant is not intended to abrogate or weaken any other agreements, so long as they are consistent with its own terms, into which the Members of the League may have entered, or may enter hereafter, for the further assurance of peace. Such agreements would include special treaties for compulsory arbitration, and military conventions that are genuinely defensive. The Monroe Doctrine and similar understandings are put in the same category. They have shown themselves in history to be not instruments of national ambition, but guarantees of peace.

The origin of the Monroe Doctrine is well known. It was proclaimed in 1823 to prevent America becoming a theatre for the intrigues of European absolutism. At first a principle of American foreign policy, it has become an international understanding, and it is not illegitimate for the people of the United States to ask that the Covenant should recognise this fact. In its essence it is consistent with the spirit of the Covenant, and indeed the principles of the League, as expressed in Article 10, represent the extension to the whole world of the principles of the doctrine; while, should any dispute as to the meaning of the latter ever arise between American and European Powers, the League is there to settle it.

#### THE FUNCTIONS OF THE LEAGUE IN PEACE

Articles 22-25 cover the greater part of the ordinary peacetime activities of the League.

Article 22 introduces the principle, with reference to the late German colonies and territories of the Ottoman Empire,

that countries as yet incapable of standing alone should be administered for the benefit of the inhabitants by selected States, in the name, and on behalf, of the League, the latter exercising a general supervision. The safeguards which enlightened public opinion demands will in each case be inserted in the text of the actual convention conferring the Mandate. No provision is made in the Covenant for the extension of such safeguards to the other similar dependencies of the Members of the League, but it may be hoped that the maintenance of a high standard of administration in the mandate territories will react favourably wherever a lower standard now exists, and the mandatory principle may prove to be capable of wide application.

The saving clause at the beginning of Article 23 makes it clear that the undertakings following do not bind the Members of the League further than they are bound by existing or future conventions supplementary to the Covenant.

Undertaking (a) throws the aegis of the League over the Labour Convention, which itself provides that membership of the League shall carry with it membership of the new permanent Labour organisation; (b) applies to territories not covered by Article 22; (d) refers to the arms traffic with uncivilised and semi-civilised countries. The matters specially mentioned in this Article are to be taken merely as instances of the many questions in which the League is interested. Conventions relating to some of these, such as Freedom of Transit and Ports, Waterways and Railways, are now being prepared; with regard to a large number of others similar conventions may be expected in the future.

Article 24 is of great importance, as it enlarges the sphere of usefulness of the Secretariat of the League to an indefinite degree. The Covenant has laid the foundations on which the statesmen and peoples of the future may build up a vast structure of peaceful international co-operation.

#### AMENDMENT OF THE COVENANT

The provisions of Article 26 facilitate the adoption of amendments to the Covenant, seeing that all ordinary decisions of the Assembly have to be unanimous.

The second paragraph was inserted to meet the difficulties of certain States which might fail to secure the assent of their

proper constitutional authorities to an amendment agreed to by the Council and the majority of the Assembly. They are now given the option of accepting the amendment or withdrawing from the League ; but there is little doubt that, if the League becomes an institution of real value, the choice will be made in favour of accepting proposals that already command such wide assent.

It is the facility of amendment ensured by this Article, and the absence of restrictions on the activities of the Assembly, the Council, and the Secretariat, which make the constitution of the League flexible and elastic, and go far to compensate for the omissions and defects from which no instrument can be free that represents the fusion of so many and various currents of thought and interest.

## II

### MEMBERSHIP IN THE LEAGUE OF NATIONS JULY 30, 1920

STATES MEMBERS OF THE LEAGUE THROUGH THE COMING INTO  
EFFECT OF THE TREATY OF VERSAILLES ON JANUARY 10,  
1920.

Belgium . . . . .	January 10, 1920.
Bolivia . . . . .	" "
Brazil . . . . .	" "
British Empire . . . . .	" "
Canada . . . . .	" "
Australia . . . . .	" "
New Zealand . . . . .	" "
South Africa . . . . .	" "
India . . . . .	" "
Czecho-Slovakia . . . . .	" "
France . . . . .	" "
Guatemala . . . . .	" "
Hedjaz . . . . .	" "
Italy . . . . .	" "
Japan . . . . .	" "
Peru . . . . .	" "
Poland . . . . .	" "
Siam . . . . .	" "
Uruguay . . . . .	" "

STATES MEMBERS OF THE LEAGUE THROUGH SUBSEQUENT RATIFICATION OF THE TREATY OF VERSAILLES, WITH THE DATE OF DEPOSIT OF RATIFICATION.

Serb-Croat-Slovene State . . . . .	February 10, 1920.
Cuba . . . . .	March 8, 1920.
Greece . . . . .	March 30, 1920.
Portugal . . . . .	April 8, 1920.
Haiti . . . . .	June 30, 1920.
Liberia . . . . .	June 30, 1920.
Panama . . . . .	{ Ratification announced by telegram but not yet deposited.
Roumania . . . . .	

STATES MEMBERS OF THE LEAGUE THROUGH ACCESSION TO THE COVENANT UNDER INVITATION CONTAINED IN THE ANNEX TO THE COVENANT IN THE TREATY OF VERSAILLES, WITH DATE OF ACCESSION.

Argentine Republic . . . . .	July 18, 1919.
Chile . . . . .	November 4, 1919.
Persia . . . . .	November 21, 1919.
Paraguay . . . . .	December 26, 1919.
Spain . . . . .	January 10, 1920.
Colombia . . . . .	February 16, 1920.
Venezuela . . . . .	March 3, 1920.
Norway . . . . .	March 5, 1920.
Denmark . . . . .	March 8, 1920.
Switzerland . . . . .	March 8, 1920.
Netherlands . . . . .	March 9, 1920.
Sweden . . . . .	March 9, 1920.
Salvador . . . . .	March 10, 1920.

STATE MEMBER OF THE LEAGUE THROUGH THE COMING INTO EFFECT OF THE TREATY OF ST. GERMAIN ON JULY 16, 1920.

China . . . . .	July 16, 1920.
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STATES WHICH HAVE FILED APPLICATION FOR MEMBERSHIP, TO  
BE CONSIDERED AT THE ASSEMBLY MEETING BEGINNING  
NOVEMBER 15, 1920.

San Marino	.	.	.	.	April 23, 1919.
Georgia	.	.	.	.	May 21, 1919.
Iceland	.	.	.	.	July 2, 1919.
Luxemburg	.	.	.	.	February 23, 1920.
Ukraine	.	.	.	.	February 25, 1920.
Esthonia	.	.	.	.	April 8, 1920.
Monaco	.	.	.	.	May 3, 1920.
Finland	.	.	.	.	May 8, 1920.
Armenia	.	.	.	.	May 13, 1920.
Latvia	.	.	.	.	May 14, 1920.
Liechtenstein	.	.	.	.	July 23, 1920.

### III

## SIGNIFICANT DATES IN THE HISTORY OF THE LEAGUE OF NATIONS

1914

July 28. Great War begins.

1918

Nov. 11. Armistice.

1919

Jan. 25. Paris Peace Conference resolves to create a League of Nations.

April 28. Draft of Covenant unanimously adopted by Peace Conference.

June 28. First Treaty containing text of Covenant signed (Treaty of Versailles—Allied and Associated Powers with Germany).

Sept. 10. Second Treaty containing text of Covenant signed (Treaty of St. Germain-en-Laye—Allied and Associated Powers with Austria, Czecho-Slovakia, and Serb-Croat-Slovene State).

Oct. 29—  
Nov. 29. First General Conference of the International Labour Organisation, Washington, D.C.

Nov. 27. Third Treaty containing Text of Covenant (Treaty of Neuilly—Allied and Associated Powers with Bulgaria).

1920

Jan. 10. League of Nations officially comes into existence (Treaty of Versailles enters into force).

- Jan. 16. First Meeting of the League of Nations Council, Paris—Inauguration Ceremony.
- Feb. 11–13. Second Meeting of the League of Nations Council, London—General Meeting.
- March 12–13. Third Meeting of the League of Nations Council, Paris—Commission of Inquiry to Russia.
- April 9–11. Fourth Meeting of the League of Nations Council, Paris—Mandate for Armenia and Minorities in Turkey.
- April 13–17. International Health Conference, London.
- May 14–19. Fifth Meeting of the League of Nations Council, Rome—General Meeting.
- June 4. Fourth Treaty containing Text of Covenant signed (Allied and Associated Powers with Hungary).
- June 15–July. Seamen's Conference. International Labour Organisation, Genoa.
- June 14–16. Sixth Meeting of the League of Nations Council, London—Bolshevik attack on Persia.
- July 9–12. Seventh Meeting League of Nations Council, London—Aaland Islands Dispute.
- July 30–Aug. Eighth Meeting League of Nations Council, San Sebastian—General Meeting.
- Aug. 3. First Meeting Armaments Commission, San Sebastian.
- Sept. 24. International Financial Conference, Brussels.
- Nov. 15. First Meeting of the Assembly of the League of Nations, Geneva.

*Note.*—All conferences listed above were held under the auspices of the League of Nations.

## IV

### COUNCIL REPRESENTATIVES

*(First Seven Sessions)*

#### BELGIUM :

M. Paul Hymans (Minister in London).  
Baron de Gaiffier d'Hestroy (Minister in Paris).  
M. Destrée (Minister of Science and Arts).  
Baron Moncheur (Ambassador in London).

#### BRAZIL :

M. Gastão da Cunha (Ambassador).  
Mr. Clark.

#### BRITISH EMPIRE :

Rt. Hon. the Earl Curzon of Kedleston (Secretary of State  
for Foreign Affairs).  
Rt. Hon. A. J. Balfour (Lord President of the Council).  
Rt. Hon. H. A. L. Fisher (President Board of Education).

#### FRANCE :

M. Léon Bourgeois (President of the French Senate).  
M. A. de Fleuriau.

#### GREECE :

M. Eleftherios K. Venizélos (President of the Council of  
Ministers).  
M. Demetrius Caclamano (Minister in London).  
M. Athos Romanos (Minister in Paris).  
M. Lambros Coromilas (Minister in Rome).

#### ITALY :

H.E. Maggiorino Ferraris (former Minister of Agriculture).  
M. T. Tittoni (President of the Italian Senate, former  
Minister for Foreign Affairs).

Count Bonin Longare (Ambassador in Paris).  
Marquis Imperiali (Ambassador in London).  
M. G. Catalani (former Chargé d'Affaires in Teheran).

## JAPAN :

M. M. K. Matsui (Ambassador ?).  
Viscount Chinda (Ambassador Extraordinary).  
M. Nagui (?)

## SPAIN :

M. Quinones de Leon (Ambassador ?).  
Marquis de Faura.

*Other Representatives*

## PERSIA :

H. Highness Prince Firouz (former Minister for Foreign Affairs).

*Aaland Islands Question*

FINLAND : M. Enckell (Minister for Foreign Affairs).

## SWEDEN :

M. Branting (Prime Minister).

V

SECRETARIAT

*Secretary General*

Sir Eric Drummond, K.C.M.G., C.V.O.

*Under Secretaries General*

Commendatore D. Anzilotti.

M. Monnet.

Dr. Inazo Nitobe.

*Directors of Sections :*

*Administrative Commissions and Minorities*

<i>Questions</i>	.	.	.	.	.	M. Erik Colban.
<i>Economic and Financial</i>	.	.	.	.	.	Mr. W. T. Layton.
<i>Financial Administration</i>	.	.	.	.	.	Sir Herbert Ames.
<i>Information</i>	.	.	.	.	.	M. Pierre Comert.
<i>Legal</i>	.	.	.	.	.	Dr. Van Hamel.
<i>Political</i>	.	.	.	.	.	M. Mantoux.

## VI

### PEACE CONFERENCE

#### MEMBERS OF COMMISSION

*(Nominated January 25, 1919)*

##### UNITED STATES OF AMERICA :

President Wilson.

Col. Edward M. House.

##### BELGIUM :

M. Hymans (Minister for Foreign Affairs and Minister of State).

##### BRAZIL :

M. Epitacio Pessoa (Senator, former Minister of Justice).

##### BRITISH EMPIRE :

Rt. Hon. Lord Robert Cecil, K.C., M.P.

Lt.-Gen. Rt. Hon. J. C. Smuts, K.C. (Minister of Defence of the Union of South Africa).

##### CHINA :

Hon. V. K. Wellington Koo (Envoy Extraordinary and Minister Plenipotentiary of China at Washington).

##### CZECHO-SLOVAK REPUBLIC :

M. Charles Kramar (President of the Council of Ministers).

##### FRANCE :

M. Léon Bourgeois (former President of the Council of Ministers and Minister for Foreign Affairs).

M. Larnaude (Dean of the Faculty of Law of Paris).

##### GREECE :

M. Eleftherios Venizélos (President of the Council of Ministers).

## ITALY :

M. Orlando (Prime Minister).

M. Scialoja (Senator of the Kingdom).

## JAPAN :

Baron Makino (former Minister for Foreign Affairs, Member of the Diplomatic Council).

Viscount Chinda (Ambassador Extraordinary and Minister Plenipotentiary of H.I.M. the Emperor of Japan at London).

## POLAND :

M. Roman Dmowski (President of the Polish National Committee).

## PORTUGAL :

M. Jayme Batalha Reis (Envoy Extraordinary and Minister Plenipotentiary of Portugal at Petrograd).

## ROUMANIA :

M. Diamandy (Roumanian Minister Plenipotentiary).

## SERBIA :

M. Vesnitch (Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Serbia at Paris).

## VII

### HEALTH CONFERENCE

*London, April 13, 1920.*

*(Commission : July 29-30, 1919).*

*Chairman : Viscount Astor.*

### COUNTRIES REPRESENTED

#### UNITED STATES OF AMERICA :

Surgeon-General Rupert Blue.

#### GREAT BRITAIN :

Sir George Newman, K.C.B.

Dr. Buchanan, C.B.

Dr. Steegmann (Technical Adviser).

#### ITALY :

Dr. Lutrario

Dr. Bruno Fornaciari

Dr. Druetti.

#### JAPAN :

Dr. Yoneji Miyagawa

Dr. Kakichi Kawarata

} Technical Advisers.

#### FRANCE :

M. Brisac

M. Léon Bernard

M. Léon Boujard

M. Thiebault

} Technical Advisers

## VARIOUS ORGANISATIONS

## LEAGUE OF RED CROSS SOCIETIES :

General Sir David Henderson, K.C.B.

Colonel R. P. Strong, U.S.A.

## OFFICE INTERNATIONAL D'HYGIÈNE PUBLIQUE :

Dr. Pottevin.

## GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE :

Sir Malcolm Delevingne, K.C.B. (Senior Representative)

## INTERNATIONAL LABOUR OFFICE :

Mr. H. B. Butler, C.B. (Deputy Director).

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Additional members for the discussions on TYPHUS in POLAND

## POLISH MINISTRY OF HEALTH :

Dr. Chodzko (Vice-Minister).

Dr. Rajchmann.

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*Secretaries*

Mr. L. G. Brock, C.B. (Ministry of Health).

Dame Rachel Crowdy, D.B.E., R.R.C. (League of Nations)

## VIII

### COMMISSION OF INQUIRY ON FREEDOM OF COMMUNICATIONS AND TRANSIT

(March 17, 1920)

*Secretary General* : Mr. Robert Haas.

**BELGIUM :**

M. Hostie.  
Baron Capelle.

**BRITISH EMPIRE :**

General Mance.  
Captain Smith.

**CHINA :**

Mr. Tsang-Ou.  
Mr. Hsieh.

**DENMARK :**

M. Bernhoft.  
Captain Borg.

**FRANCE :**

M. A. Claveille (President).  
M. André Weiss.  
M. Charguerand.

**GREECE :**

M. Politis.

**ITALY :**

M. Ricci Busatti.  
M. Fiore.  
M. Sinigaglia.

**JAPAN :**

M. Adatci.  
M. Kasama.

**NETHERLANDS :**

M. le Jonkheer London.  
M. le Jonkheer van  
Eysinga.  
M. Kroller.

**NORWAY :**

Baron Wedel-Jarlsberg.  
M. Rund.

**POLAND :**

M. Winiarski.

**PORTUGAL :**

Lt.-Colonel Godinho.

**ROUMANIA :**

M. Caracostea.  
M. Popesco.  
M. Gheorghiu.

**SERBIA-CROATIA-SLOVENIA :**

Capt. Avramovitch.

## SPAIN :

Marquis de Faura.

M. Brockman.

## SWEDEN :

Count Ehrenswärd.

M. Ahlberg.

M. Hoernell.

## SWITZERLAND :

M. Dunant.

M. Vallotton

## CZECHO-SLOVAKIA :

M. Klir.

M. Krbee.

## IX

### STATISTICS

#### INTERNATIONAL COMMITTEE OF STATISTICIANS

- M. Luigi Bodio, President of the International Institute of Statistics.
- Mr. H. Butler (Assistant Director), International Labour Office.
- Mr. R. H. Coates, Director of the Census Office, Canada.
- M. Delatour (Vice-President), International Institute of Statistics.
- M. de Elola, Director-General of the Geographical and Statistical Institute of Spain.
- Mr. A. W. Flux, (?) Chief of the Statistical Department of the British Board of Trade and Joint Editor of the Statistical Bulletin of the Supreme Council.
- M. Jacquart, International Bureau of Commercial Statistics.
- M. Lucien March, Director-General of Statistics, France.
- Mr. H. W. Methorst (Secretary), International Institute of Statistics.
- Professor Louis Varlez (Deputy to Mr. Butler), International Labour Office.

#### *Other Bodies : (representatives ?)*

- International Institute of Agriculture.
- International Institute of Commerce.

# X

## COMMITTEE OF INTERNATIONAL JURISTS

UNITED STATES OF AMERICA	.	.	.	Mr. Root.
BELGIUM	.	.	.	Baron Descamps.
BRAZIL	.	.	.	Mr. Fernandez.
GREAT BRITAIN	.	.	.	Lord Phillimore.
FRANCE	.	.	.	M. de Lapradelle.
ITALY	.	.	.	M. Ricci-Busatti.
JAPAN	.	.	.	M. Adatci.
NETHERLANDS	.	.	.	Dr. Loder.
NORWAY	.	.	.	M. Hagerup.
SPAIN	.	.	.	M. Altamira.

### SECRETARIAT

*Secretary General:* Commendatore Anzilotti (Under Secretary General, League of Nations).

*Deputy Secretary General:* M. Ake Hammarskjold (Member of the Legal Section, League of Nations).

## XI

### SAAR BASIN GOVERNING COMMISSION

*President* : M. Rault (French).

#### *Members*

• M. Alfred von Boch (Landrath de Sarrelouis) (Sarrois .  
Major Lambert (Belgian).  
Count de Moltke Hvitfeldt (Dane).  
Mr. R. D. Waugh (Canadian).

### SAAR BASIN FRONTIER COMMISSION

BRAZIL :

Colonel Leite de Castro.

BRITISH EMPIRE :

Colonel Wace.

JAPAN :

Commandant Kobayashi.

### DANZIG

*High Commissioner* : Sir Reginald Tower, K.C.M.G., C.V.O.

### JURISTS COMMISSION FOR THE AALAND ISLANDS DISPUTE

M. Ferdinand Lamande (Doyen de la Faculté de Droit de  
l'Université de Paris).

M. le Dr. A. A. H. Struysben (Conseiller d'État), The Hague.

M. Max Huber (Conseiller au Département Politique à Berne,  
Professeur à l'Université de Zurich).

*Secretary to the Commission* : M. M. Kaeckenbeeck, Secretariat,  
League of Nations.

## PRISONERS OF WAR IN SIBERIA

(COMMISSION OF INVESTIGATION)

Dr. Fridtjof Nansen.

## TYPHUS IN POLAND

*Chief Commissioner* : Mr. Kenyon Vaughan-Morgan. \*

*Medical Commissioner* : Dr. Norman White.

*Member Executive Commission* : Dr. Rajchman.

## PERMANENT ARMAMENTS COMMISSION

(See Chapter on Armaments)

## XII

### THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE

#### *Government Representatives*

##### ARGENTINE :

M. de Alvear (Argentine Ambassador at Paris).

##### BELGIUM :

M. E. Mahaim (Professor of International Law, University of Liège).

##### GREAT BRITAIN :

Sir Malcolm Delevingne, K.C.B. (Assistant Under Secretary of State, Home Office).

##### CANADA :

The Hon. Gideon D. Robertson (Department of Labour, Ottawa).

##### DENMARK :

Dr. Vedel (Chief of Division, Ministry of Interior).

##### FRANCE :

M. Arthur Fontaine (Director of the Labour Department, Councillor of State, Ministry of Labour).

##### GERMANY :

Geheimer Oberregierungsrat, Dr. Leymann.

##### ITALY :

Baron Mayor des Planches (former Ambassador at Washington).

##### JAPAN :

M. Nagaoka (Councillor of the Japanese Embassy in Paris).

## POLAND :

M. Francizek Sokal (Director of the Labour Department,  
Ministry of Labour and Social Welfare).

## SPAIN :

Vicomte de Eza (Minister Plenipotentiary, former Minister of  
Public Works).

## SWITZERLAND :

Dr. Hermann Rufenacht (Director of the Federal Office of  
Social Insurance).

*Employers' Representatives*

## BELGIUM :

M. Jules Carlier (President of the Central Industrial Com-  
mittee for Belgium).

## CZECHO-SLOVAKIA :

M. F. Hodacz (Secretary-General of the Federation of  
Czecho-Slovak Manufacturers).

## GREAT BRITAIN :

Sir Allan Smith, K.B.E., M.P. (President of the National  
Confederation of Employers' Organisations).

## ITALY :

M. A. Pirelli (Director of Pirelli Brothers, Milan).

## SWITZERLAND :

Dr. Dietrich Schindler (Director-General of the Oerlikon  
Factory).

*Workers' Representatives*

## CANADA :

Mr. P. M. Draper (Secretary-Treasurer, Trades and Labour  
Congress of Canada, and President, Ottawa Typographical  
Union).

## FRANCE :

M. Léon Jouhaux (Secretary-General of the Confédération  
Générale du Travail).

## GERMANY :

M. K. Legien (Secretary-General of the General Commission  
of Trade Unions).

## GREAT BRITAIN :

Mr. G. H. Stuart-Bunning (former Chairman of the Parliamentary Committee, Trades Union Congress).

## NETHERLANDS :

M. J. Oudegeest, M.P. (President of the National Association of Labour Unions).

## SWEDEN :

M. A. Herman Lindquist (President of the Second Chamber of the Riksdag, President of the Trade Unions Association).

# XIII

## LABOUR ORGANISATION

### WASHINGTON CONFERENCE

#### *Government Delegates*

#### ARGENTINA :

Dr. Leonidas Anastasi.

Dr. Felipe Espil.

#### BELGIUM :

M. Michel Levie (President of the Delegation, Minister of State, Member of the Chamber of Representatives).

M. Ernest Mahaim (Professor at Liège University).

#### BOLIVIA :

Don Ignacio Calderon (Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Washington).

#### BRAZIL :

M. Afanio de Mello France.

M. Carlos Caesar de Oliveira Sanpaio.

#### CANADA :

The Hon. Gideon D. Robertson (Senator and Minister of Labour of Canada).

The Hon. Newton W. Rowell, K.C., M.P. (President of the Privy Council of Canada, and Acting-Secretary of State for External Affairs).

#### CHILI :

M. Gustavo Munizaga Varela.

M. Felix Nieto Del Rio.

## CHINA :

Mr. Lingoh Wang (Second Secretary of Legation).

Mr. Yung Kwai (Councillor of Legation and Charge d'Affaires *ad interim*).

## CZECHO-SLOVAKIA :

M. J. Sousek (Head of Department, in Ministry of Social Welfare).

M. Charles Spinka (Inspector of Labour).

## COLOMBIA :

Dr. Carlos Adolfo Urueta (Envoy Extraordinary and Minister Plenipotentiary at Washington).

## CUBA :

Sr. Carlos Armenteros Y Cardenas (ex-Envoy Extraordinary, ex-Minister to Venezuela, Assistant Secretary of Agriculture, Commerce, and Labour).

Sr. Francisco Carrera Justiz (ex-Minister to the United States, Spain, and Mexico, and Professor of the University of Habana).

## DENMARK :

M. S. Neumann (President of the Labour Council, Chief of Bureau of the Department of Labour and Social Insurance, Ministry of Interior).

M. C. V. Bramsnaes (Member of Parliament, Secretary in the Statistical Department).

## ECUADOR :

Dr. Don Rafael H. Elizalde.

Dr. Don Juan Cueva Garcia.

## EL SALVADOR :

Don Salvador Sol (Envoy Extraordinary and Minister Plenipotentiary).

## FINLAND :

M. A. H. Saastamoinen (Envoy Extraordinary and Minister Plenipotentiary at Washington).

Judge Niilo A. Mannio (Secretary-General, Labour Department of Finland).

## FRANCE :

M. Arthur Fontaine (Director of the Labour Department, Ministry of Labour, Chairman of Executive Committee of the French State Railways).

M. Max Lazard (Secretary-General of the French Association for Combating Unemployment).

## GREAT BRITAIN :

Rt. Hon. G. N. Barnes, M.P. (Member of the War Cabinet).

Sir Malcolm Delevingne, K.C.B. (Assistant Under Secretary of State, Home Office).

## GREECE :

M. John Sofianopoulos (Assistant Secretary of the Ministry of National Economy, First Delegate).

M. Angelus Skinzopoulos (Inspector of Industry of the Ministry of National Economy, Second Delegate).

## GUATEMALA :

Sr. Francisco Sanchez Latour (First Secretary of the Legation of Guatemala at Washington).

Dr. Ramon Bengoechea (Consul General at New York).

## HAITI :

M. Ch. Moravia (Envoy Extraordinary and Minister Plenipotentiary).

## INDIA :

Mr. Louis James Kershaw, C.S.I., C.I.E. (Secretary, Revenue and Statistics Department India Office, London).

Mr. Atul Chandra Chatterjee, C.I.E., I.C.S. (Acting Chief Secretary, United Provinces Government).

## ITALY :

Baron Mayor des Planches (Senator and former Ambassador).

Dr. G. di Palma Castiglione (Royal Inspector of Emigration, replacing M. Angiolo Cabrini, Deputy and Vice-President of the Higher Committee on Labour).

## JAPAN :

M. Eikichi Kamada (President of Keio University, Member of the House of Peers).

Dr. Minoru Oka (ex-Director of the Bureau of Commerce and Industry of the Department of Agriculture and Commerce).

## NETHERLANDS :

- Dr. W. H. Nolens (Member of the Second Chamber of the Netherlands Parliament ; Professor in Labour Legislation at Amsterdam University ; President of the Delegation).  
M. G. J. Van Thienen (Chief Inspector of Labour, Secretary of the Delegation).

## NICARAGUA :

- Señor don Ramon Enriquez (Consul General at New Orleans, formerly Charge d'Affaires at Washington, ex-Congressman).

## NORWAY :

- Judge Johan Castberg (ex-Minister of Labour, President of the Legislative Chamber of the Storting).  
Judge I. M. Lund (Barrister at the Supreme Court, Mediator of the Kingdom).

## PANAMA :

- M. Jorgeluis Paredes.  
M. Federico Calvo.

## PARAGUAY :

- Dr. Manuel Gondra (Minister of Paraguay at Washington).  
M. Arturo Campos (Director of Paraguayan Office of Money Exchange).

## PERSIA :

- Mirza Abdul Ali Khan (Sadigh-es-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary of Persia at Washington).  
Mirza Ali Asghar Khan (Secretary of the Persian Legation at Washington).

## PERU :

- M. Carlos Prevost (formerly Financial Agent for United States).  
M. Eduardo Higginson (Consul General of Peru to the United States).

## POLAND :

- M. Francizek Sokal (Director of Labour Department, Ministry of Labour and Social Welfare, President of the Polish Delegation to the International Labour Conference).  
M. Jozef Rymer (Member of Parliament, President of the Polish Workers' Union of Upper Silesia).

## PORTUGAL :

M. Jose Barbosa (ex-Member of Parliament, President of the Court of Accounts).

## ROUMANIA :

M. Constantin Orghidan (Chief Engineer, Chief Inspector of Roumanian Railway Shops).

M. Gregory Michaelesco (Commercial Attaché, Legation of Roumania).

## SAN DOMINGO :

M. T. E. Kunhardt.

## SERBS, CROATS, AND SLOVENES :

Dr. Slavko Grouitch (Envoy Extraordinary and Minister Plenipotentiary).

Dr. Ludevit Peritch.

## SIAM :

Mr. Phya Prabha Karavongse (Envoy Extraordinary and Minister Plenipotentiary).

Mr. Phya Chanindr Bhakdi (Secretary of the Legation of Siam at Washington).

## SOUTH AFRICA :

Mr. H. Warrington Smyth, C.M.G. (Secretary for Mines and Industries and Acting Chief Inspector of Factories).

## SPAIN :

Viscount de Eza, Minister Plenipotentiary (President of the National Institute for Social Reforms, ex-Minister of Industry, Commerce, Agriculture, and Public Works, President of the Spanish Delegation to the Conference).

Sr. Adolfo Gonzalez Posada (Director in the National Institute for Social Reforms, Professor of the Central University of Madrid; Member of the Academy of Moral and Political Sciences, Representative of the Spanish Government to the Conference).

## SWEDEN :

Judge A. Erik M. Sjoborg (Minister Resident, Councillor of the Legation of Sweden).

Senator R. G. Halfred von Koch (Chief Government Inspector of Charities).

## APPENDICES

20

### SWITZERLAND :

Dr. Hans Sulzer (Swiss Minister at Washington).

Dr. Hermann Rufenacht (Director Federal Office of Social Assurance at Berne).

### URUGUAY :

Dr. Jacobo Varela (Envoy Extraordinary and Minister Plenipotentiary at Washington).

Sr. Hugo V. de Pena (Secretary General).

### VENEZUELA :

Dr. Don Santos A. Dominici (Envoy Extraordinary and Minister Plenipotentiary).

Sr. Nicolas Veloz (Consul General at New Orleans).

## XIV

### INTERNATIONAL LABOUR OFFICE

*Director* : M. Albert Thomas.

*Deputy Director* : Mr. H. B. Butler.

*Cabinet—Chief of Section* : M. C. Lemer cier.

*Press—Chief of Service* : Dr. William Martin (League of Nations).

#### DIPLOMATIC DIVISION

*Chief of Division* : Mr. E. J. Phelan.

*Chief of Section* : M. C. Pone.

*Assistant Chief of Section* : Mr. H. A. Grimshaw.

#### SCIENTIFIC DIVISION

*Chief of Section* : Dr. Royal Meeker.

#### TECHNICAL SERVICES

*Unemployment Section* : M. L. Varlez.

*Emigration Section* : Dr. W. A. Riddell.

*Seamen's Section* : Mr. J. Randall.

*Agricultural Section* : Dr. A. di Palma Castiglione.

*Bolshevist Enquiry* : Dr. G. Pardo.

*Social Insurance* : Mr. J. J. de Roode.

*Co-operative Section* : Dr. J. Fauquet.

## LIST OF BOOKS ON THE LEAGUE OF NATIONS

DAMS, GEORGE BURTON. *British Empire and a League of Peace.* 1919. Putnam.

Advocates an alliance of all the English-speaking people to be joined by other "like-minded nations," the British Empire to form a British Commonwealth of nations as basis for a league. The method of operation should be by conference and councils, not legislation.

AGNELLI, GIOVANNI, and CABIALI, ATTILIO. *Fédération européenne : ou, Ligue des nations.* 1919. Giard.

ANGELL, NORMAN. *America and the New World-State.* 1915. Putnam.

His proposal is "that America shall use her influence to secure the abandonment by the Powers of Christendom of rival group alliances, and the creation instead of an alliance of all the civilised Powers having as its aim some common action—not necessarily military—which will constitute a collective guarantee of each against aggression.

ANGELL, NORMAN. *Political Conditions of Allied Success.* 1918. Putnam.

A League of Nations must represent a new "democratic internationalism" in which "certain of the prevailing conceptions of neutrality, nationality, and independence must be modified." Discussion of these ideas and the internationalism of past politics and Allied war policy.

ASTOR, WALDORE. *Co-operative Basis for a League of Nations.* With a foreword by the Rt. Hon. J. R. Clynes. 1919. *The Observer.*

Description of co-operation between the Allied Nations during the War in relation to supplies, and recommendations for continued co-operation through the League.

BARKER, ERNEST. Confederation of the Nations, its Powers and Constitution. 1919. *Oxford Pamphlet*.

Discussion of powers and constitution of a League of Nations which shall be "a confederation—an alliance of sovereign States, intended to be permanent, for the purpose of ending internal disputes and prosecuting joint interests in common."

BARY, RICHARD DE. The International King, a War Appeal for Federal Union. 1918. Longmans.

BASSETT, JOHN SPENCER. Lost Fruits of Waterloo: Views on a League of Nations, 2nd. ed. 1919. The Macmillan Co., New York.

Object of the writer to set forth "the idea of a permanent peace through federated action, to show how that idea came up in connection with the war against Napoleon, how it was rejected for a concerted and balanced international system . . . and finally in what way the old system is responsible for the present war."

BERRY, Lieut. TREVOR T. The Hope of the World: an Appreciation of the League of Nations Scheme. 1919. King.

"A League of free nations alone will be able to create international conditions favourable to the maintenance of peace."  
"It must be extended to include the religious just as much as the social, political, and economic spheres of activity."

BISSOLATI, L. La Lega delle nazioni e la politica italiana.

BORGUIS, WALTER. Der Völkerbund. 1919.

BOURGEOIS, LÉON. Le Pacte de 1919 et la Société des nations. 1919. Bibliothèque-Charpentier.

A collection of his speeches and articles on the League of Nations (1916-1919) and text of the Covenant. The author urges the establishment of an international commission to verify the facts obtained in regard to armaments and to make provision for an international military organisation.

BRAILSFORD, HENRY NOEL. Covenant of Peace. 1919. Huebsch.

Awarded the prize offered by the *English Review* for the best short study of the idea of a League of Nations.

BRYCE, JAMES, Viscount. Essays and Addresses in War-Time. Pp. 176-208. 1918. Macmillan.

The last chapter deals with the idea or plan of a League of Nations to enforce peace . . . "intended . . . to set out briefly what the functions of such a League might be, what organs it

would need for the discharge of those functions, what objections have been taken to it, what are the answers to such objections, and what are the conditions of our time which encourage hopes for its success."

BRYCE, JAMES, Viscount. *Proposals for the Prevention of Future Wars.* By Viscount Bryce and others. 1917. Allen.

Outline of an international treaty agreement between States to prevent war by economic pressure and military force. Includes also platforms of League of Nations Society and League to enforce peace (American branch).

BURNS, C. DELISLE. *Political Ideals*, 3rd ed. 1920. Oxford.

Present edition adds two new chapters on Democracy and the League of Nations. The author gives many reasons why war and democracy are irreconcilable. He points out the importance of co-operation between States for common interests, and advocates, in addition to a judiciary body, an International Executive Council of the League to devise policy on international lines.

BUTLER, Sir GEOFFREY. *A Handbook to the League of Nations.* With an Introduction by Lord Robert Cecil. 1920. Longmans.

Elementary treatise for the ordinary citizen which aims at placing the League in its time, historical, and constitutional perspective in the evolution of international relations. A carefully annotated text of the Covenant completes the volume. The author is lecturer in international law and diplomacy, Corpus Christi College, Cambridge.

BUXTON, CHARLES RODEN, *Ed.* *Towards a Lasting Settlement.* By G. LOWES DICKINSON, CHARLES RODEN BUXTON, and others. 1915. Allen.

Contents: The Basis of Permanent Peace, by G. Lowes Dickinson; Nationality, by Charles Roden Buxton; The Freedom of the Seas, by H. Sidebotham; The Open Door, by J. A. Hobson; The Parallel of the Great French War, by Irene Cooper Willis; War and the Woman's Movement, by A. Maude Royden; The Organisation of Peace, by H. N. Brailsford; Democracy and Publicity in Foreign Affairs, by Philip Snowden, M.P.; The Democratic Principle and International Relations, by Vernon Lee.

CATELLANI, E. *La Bancarotta dei profeti e la Lega delle nazioni.*

CECIL, LORD ROBERT. *A League of Nations: an Address.* 1918. Cornish.

CHAMBERLAIN, THOMAS GASSNER. *Why We Fought*. Foreword by William Howard Taft. 1919. The Macmillan Co., New York.

Captain Chamberlain speaks for the League of Nations in the name of the American soldiers who believe the Covenant "embodies the great principles for which the War was fought and that it will establish a rule of right in the world."

CHAMBERLIN, THOMAS CHROWDER. *World Organisation after the World-War, an Omninational Confederation*. 1918. University of Chicago Press.

CORBETT, Sir JULIAN STAFFORD. *League of Nations and Freedom of the Seas*. 1919. *Oxford Pamphlet*.

*Covenant of the League of Nations, with a Commentary*. H.M. Stationery Office. March 1919.

*The Covenant Explained: for Speakers and Study Circles*. Introduction by Gilbert Murray. 1919. League of Nations.

A paraphrase from the official text written in simple language with explanatory comments for persons unfamiliar with official and legal phraseology. Includes objections to the Covenant, and full text.

*The Covenanter: an American Exposition of the Covenant of the League of Nations*. By WILLIAM H. TAFT, GEORGE W. WICKERSHAM, A. LAWRENCE LOWELL, HENRY W. TAFT. 1919. Doubleday.

CROZIER, ALFRED OWEN. *League of Nations: shall it be an Alliance or a Nation of Nations?* 1919. Lecouver Press Co., 51 Vesey Street, N.Y.

DARBY, WILLIAM EVANS. *International Tribunals: a collection of the various schemes which have been propounded, and of instances since 1815*. 1899. London Peace Society.

DICKINSON, GOLDSWORTHY LOWES. *After the War*. 1915. Fiffeld.

Discusses in detail a League based on treaties binding States to refer their disputes to peaceable settlement before taking any military measures.

DICKINSON, GOLDSWORTHY LOWES. *The Choice Before Us*. 1917. Allen.

Part I. Militarism. Part. II. Internationalism. Shows from

past history that neither alliances nor military victory can secure permanent peace. "An alliance that is to be effective must be a league to keep the peace and support public law." If Germany is excluded Europe is divided into the two armed camps which led up to the present war.

DICKINSON, GOLDSWORTHY LOWES. *The War and the Way Out.* 1916. Bonner.

Shows how the War "was caused by the working of a false theory of the State on the minds and passions of rulers, statesmen, journalists, and peoples."

DUGGAN, STEPHEN PIERCE HAYDEN, *Ed.* *The League of Nations: the Principles and the Practice.* 1919. Atlantic Monthly Press.

A handbook written by leading American scholars. The first part deals with the history, philosophy, and organisation of a League of Nations, the second part with international co-operation as applied to concrete problems, the last part with the place of the United States in a League of Nations. In the Appendix are various texts including the plans of the Abbé Saint Pierre and Immanuel Kant. Includes chapter "Bibliographical Notes" by Professor Lindsay Rogers.

ERZBERGER, M. *The League of Nations the Way to the World's Peace.* 1919. Holt.

As a serious contribution it has been superseded by the German scheme for a League of Nations prepared by the German Society for International Law. Interesting as professional propaganda on the subject.

FAYLE, CHARLES ERNEST. *The Fourteenth Point: a Study of the League of Nations, prepared for the Garton Foundation.* 1919. Murray.

Discussion and suggested plan for a League for "international co-operation for the development of the world's resources and the improvement of human life." Success of the League "in averting wars will depend upon its utility as an instrument of international co-operation in the practical tasks of the immediate future."

FERRERO, GUGLIELMO. *Problems of Peace from the Holy Alliance to the League of Nations: a Message to Americans.* 1919. Putnam.

A survey of the political history of Europe from the Holy Alliance to the League of Nations. The author makes a strong appeal for a League of Nations which shall be an alliance of peoples

(as opposed to the Holy Alliance formed by the Courts of Europe). Urges acceptance by the League of three rules of conduct: (1) to deal only with established governments; (2) to respect nationality; (3) to reduce armaments.

For the Right. Pp. 130-164. 1918. Putnam.

GARVIN, JAMES LOUIS. *The Economic Foundations of Peace; or, The Truer Basis of the League of Nations.* 1919. Macmillan.

Traces the economic antecedents of the War; tells how inter-Allied organisation created a great working model of economic world-partnership; deals with the abnormal problems of the Transition and shows that they can only be adequately handled by a continuance, and even by some enlargement, of the economic machinery now in actual operation under America and the Allies. Comments on the insufficiency of a typically political constitution for the League. Concluding chapters study key-questions like the Russian problem, the future of armaments, etc.

GOLDSMITH, ROBERT. *A League to Enforce Peace.* 1917. The Macmillan Co., New York.

Statement of proposals of American League formed in Independence Hall, Philadelphia, July 17, 1915.

GORE, CHARLES, Bishop of Oxford. *League of Nations: the Opportunity of the Church.* Doran.

Published in 1918 at the request of the British Ministry of Information, now enlarged and brought up to date. Sees in the League of Nations "the only hopeful basis of a peace that shall be both just and enduring."

GREY, EDWARD, Viscount. *The League of Nations.* 1918. *Oxford Pamphlet.*

A League will impose limitations upon national action of each State concerned. Germany must realise that "the condition of true security for one nation is a sense of security on the part of all nations."

GROTTUS SOCIETY. *Transactions.* 1919. Vol. v.

Includes "Revision of the League of Nations Covenant," by F. N. Keen; "The League of Nations, the Work of Lawyers," by C. A. McCurdy; "Islam in the League of Nations," by Syed Ameer Ali; and "Labour Legislation under the League of Nations," by Sophy Sanger.

*Handbook for Speakers on a League of Nations.* League of Nations Society. 1918.

HART, HEBER L. *The Bulwarks of Peace.* 1918. Methuen.

Study of the social order in the form of discussion of propositions for preservation of peace in a society of States. Reviews the various influences which normally make for peace and war.

HENDERSON, ARTHUR. *League of Nations and Labour.* 1919. *Oxford Pamphlet.*

HICKS, FREDERICK C. *The New World Order.* New York. Doubleday, Page, 1920.

HOBSON, JOHN ATKINSON. *A League of Nations.* 1915. Union of Democratic Control.

HOBSON, JOHN ATKINSON. *Towards International Government.* 1915. The Macmillan Co., New York.

A study of the questions involved in extending the idea of a League of Peace into that of an international government by a League of Nations, with council, courts, and an executive strong enough to carry into effect the common will of nations. The international council shall be composed, not of diplomats "who merely represent the governments of their States, but of persons chosen to represent the people included in each State."

HOUSTON, HERBERT SHERMAN. *Blocking New Wars.* 1918. Doubleday.

If a League of Nations including Germany had been in effective existence in 1914 the great international war caused by defiance of public law by Germany might have been avoided. The value of economic pressure as a force for the maintenance of peace.

HYDE, HERBERT ERNEST. *The International Solution.* 1919. Allen. Scheme of international government with explanation of various clauses suggested.

Pamphlet to present in concentrated form the main proposals suggested in author's *The Two Roads.*

HYDE, HERBERT ERNEST. *The Two Roads: International Government or Militarism.* 1914. King.

Main features of his scheme of international government would be a parliament composed of representatives of all nations, a law court presided over by a body of judges nominated and elected by parliament, and an international armament sufficiently strong to enforce the decisions of the court.

JACKSON, HENRY E., *Ed.* The League of Nations: a document prepared to stimulate community discussion and promote organised public opinion. 1919. Prentice-Hall, Inc.

Contains addresses by President Wilson explaining the Covenant, with three other addresses representing constructive points of view, and an analytical outline of the Covenant followed by a statement which aims to make the facts clear by questions and answers. Articles quoted of American politics in the past furnish a perspective to illuminate the discussion and emphasise the fact that the question of the League relates to international politics having no logical connection with local partisan disputes in any one nation.

JONG VAN BEEK EN DONK, B. DE. Neutral Europe and the League of Nations. 1917. Nederlandsche Anti-Oorlog Raad.

Historical survey of what has been done in the neutral countries of Europe to organise general support for the League of Nations.

KALLEN, HORACE MEYER. League of Nations To-day and To-morrow. 1918. Jones, Marshall.

A discussion of international organisation present and to come. Exposes the way in which the interests of international financiers and munition makers promote war at the expense of national welfare and international peace.

KALLEN, HORACE MEYER. Structure of Lasting Peace. 1918. Jones, Marshall.

By analysis of the history of the United States between 1776 and 1789 he shows how in the creation of the United States of America a League of Nations was in fact established and lasting peace secured. His argument is that what was attained for America can be attained for the world.

KEEN, FRANK NOEL. Hammering out the Details. 1917. Fifield.

Comparison of the schemes for a League of Nations put forward by the League of Nations Society in England; the League to enforce peace, American branch; and the Central organisation for a durable peace formed at The Hague.

KEEN, FRANK NOEL. A League of Nations with Large Powers. 1918. Allen.

A plan for a League of Nations, written before the signing of the Armistice. Contains a brief summary of the constitution and proceedings of the two Hague Conferences.

KEEN, FRANK NOEL. *The World in Alliance*. 1915. Southwood.

Outline of plan for supplying "three essentials to the prevention of war"—an "international parliament, a binding code of law, and the administrative machinery for its enforcement." . . . "A world in permanent alliance in place of a world often at war, and always armed for hostilities."

KLUYVER, Mrs. C. A., *Comp.* Documents on the League of Nations. With a Preface by Dr. C. van Vollenhoven. 1920.

Published by the International Intermediary Institute, The Hague. Chapter VII. gives "Previous Schemes for a League of Nations"; Chapter VIII. a Bibliography.

LAMMASCH, HEINRICH. *Der Völkerbund zur Bewahrung des Friedens*. 1918. Trösch.

Advocates international boycott as method for abolishing war. Develops a plan, and appends a formal draft of an international covenant.

LAWRENCE, THOMAS JOSEPH. *Lectures on the League of Nations Delivered in the University of Bristol*. 1919. Arrowsmith.

Lectures by an international jurist designed to emphasise the needs of an international organisation for peace and to explain the constitution of the League. Thinks the application of science to the arts of destruction has just begun.

LAWRENCE, THOMAS JOSEPH. *Society of Nations: its Past, Present, and Possible Future*. 1919. Oxford.

Lectures on international society. The best available means for maintaining peaceful relations is the establishment of a League of Nations in which all or most civilised States shall bind themselves to settle disputes by justice instead of force. "The two organisations which can do the most are the Church and the Labour movement."

*The League of Nations*. By Viscount GREY, the Rt. Rev. E. S. TALBOT, Sir JULIAN CORBETT, Sir SYDNEY OLIVIER, Sir FREDERICK POLLOCK, ARTHUR HENDERSON, GILBERT MURRAY, A. F. POLLARD, and HARTLEY WITHERS. 1919. Oxford.

Collection of Oxford pamphlets.

LEVERMORE, CHARLES H. *Synopsis of Plans for International Organisation*. 1919. American Peace Society.

The schemes for international alliances analysed and tabulated, so that it is possible to compare and contrast the various suggestions.

LINDSAY, SAMUEL McCUNE. The League of Nations Covenant, the New International Obligations of the United States under the proposed Covenant of the League of Nations: a series of Addresses and Papers presented at the National Conference held under the auspices of the Academy of Political Science, 1919. (Proceedings, vol. viii. No. 3.)

LIPPMAN, WALTER. L.F.N.A.: the Fourteen Points and the League of Nations. An Address. 1919.

LODGE, HENRY CABOT. Lodge v. Lowell Debate. 1919. Old Colony Trust Co., 17 Court St., Boston.

MACLAGAN, O. F. The Way to Victory. 1919. Duke.

The general object of his proposed League is "to establish a fundamental rule of international law that aggressive war shall be illegal and to make for international security. Offensive war preparation will be met by the economic pressure of the League.

MARBURG, THEODORE, *Ed.* Draft Convention for League of Nations. By group of American jurists and publicists. 1918. The Macmillan Co., New York.

MARBURG, THEODORE. League of Nations: a Chapter in the History of the Movement. 2 vols. 1917. The Macmillan Co., New York.

History of the American movement "to secure action by the United States and other nations . . . looking to the establishment of a League to enforce peace," by the former United States Minister to Belgium.

MATER, ANDRÉ. La Société des nations. Paris. Didier, 1918.

MEULEN, JACOB TER. Der Gedanke der internationalen Organisation in seiner Entwicklung, 1300-1800. An analysis of thirty projects. The Hague, Nijhoff. 1917.

MILHAUD, EDGARD. La Société des nations. 1917. Grasset.

MILHAUD, EDGARD. Plus jamais. 1919. "Sonor S. A.," Geneva.

Discussion of the League of Nations as an instrument for ending war, and of the amendment the author considers necessary for it to fulfil its purpose.

MINOR, RALEIGH COLSTON. Republic of Nations: a Study of the Organisation of a Federal League of Nations. 1918. Oxford.

Author is Professor of Constitutional and International Law

at the University of Virginia. Plan for international government by federal union of nations "phrased in the language of a tentative written constitution." Main provisions are: (1) grant to the League of the power to regulate international commerce and communication; (2) surrender by States of right to acquire any part of territory of another nation without consent both of the latter nation and of the international government; (3) surrender of right to treat tyrannically or oppressively the citizens of other States while within their borders.

MORROW, DWIGHT WHITNEY. *Society of Free States*. 1919. Harper. Analysis of the proposed League of Nations, with comprehensive study of former projects for world peace.

MURRAY, Sir GILBERT. *League of Nations and the Democratic Idea*. 1918. *Oxford Pamphlet*.

• In plea for League plan author argues that not democracy, but brotherhood, within each nation and between the nations, will solve the problem of war.

NASMYTH, GEORGE. *The Roman Catholic Church and the League of Nations*. 1919.

World alliance for promoting international friendships through the churches.

National Committee on the Churches and the Moral Aims of the War. 70 Fifth Avenue, New York. *League of Nations: Outlines for Discussion, Themes for Discussion*. 1. Plan, its Meaning and Development. 2. Framework of the League. 3. Immediate Duties of the League. 4. League and the Question of Armaments. 5. League as a Co-operative Enterprise. 6. Price of a League of Nations. 1918.

*The Nations and the League*. By Ten Representative Writers of Seven Nations. With an Introductory Chapter by Sir George Paish. 1920. Unwin.

The contributors to this volume are Léon Bourgeois, Dr. Nansen, Nicholas Murray Butler, Louis Strauss, André Mater, A. Heringa, Johan Castberg, and Lujo Brentano.

OLIVIER, Sir SYDNEY HALDANE. *League of Nations and Primitive Peoples*. 1919. *Oxford Pamphlet*.

Author would adopt the mandatory principle, which, he argues, will be applicable not merely to the colonies conquered from Germany.

OPPENHEIM, LASSA FRANCIS LAWRENCE. *League of Nations and its Problems. Three Lectures.* 1919. Longmans.

"Attempt to show how the development initiated by the two Hague Peace Conferences could be continued by turning the movement for a League of Nations into the road of progress that these Conferences opened." Plan provides for an international council, an international court, and councils of conciliation.

PAISH, Sir GEORGE. *A Permanent League of Nations.* 1919. Unwin.  
Argument from standpoint of economics and politics for a League of Nations. Addresses on: I. World Policy. II. The League of Nations. III. The Economic Interdependence of Nations. IV. International Trade.

PARES, Sir BERNARD. *The League of Nations and Other Questions of Peace.* 1919. Hodder.

Brief studies of the main questions of nationalities and boundaries which have to be considered by the Conference. "The League of Nations is a hope which can be founded . . . on the rights of the individual nations."

PERCY, LORD EUSTACE. *The Responsibilities of the League.* 1920. Doran.

Analyses the unsettled condition of the world, and suggests that the League of Nations can check the present social unrest, and that national policies can be realised most effectively through the League. Primarily it is an attempt to state a political philosophy for the age in which the League has come into being.

PHELPS, EDITH M. *Selected Articles on a League of Nations.* 4th ed. 1919. H. W. Wilson.

Selections from writings of men, women, and governments presenting the historical background of the League, describing organised efforts to promote it, endorsing the project and discussing it. Includes a bibliography of books and periodical articles brought down to December 1918.

POLLARD, ALFRED FREDERICK. *League of Nations: an Historical Argument.* 1. The Conditions of the Problem. 2. The League of Nations on Paper. 3. The Lesson of History. 1919. Oxford.

The first step towards permanent peace in Professor Pollard's view is not the erection of a tribunal nor the establishment of a super-State. It is treaties between as many powers as possible not to make war on one another without recourse to other means, and to resist with all their forces any similar breach of the peace

on the part of others. The international court and the international parliament will follow the treaty.

POLLARD, ALFRED FREDERICK. *League of Nations in History*. 1919. *Oxford Pamphlet*.

A brief survey of European alliances in the past.

POLLOCK, Sir FREDERICK. *The League of Nations*. 1920. Stevens.

"Practical exposition of the Covenant of the League of Nations, with so much introduction as appears proper for enabling the reader to understand the conditions under which the League was formed and has to commence its work."—Preface.

POLLOCK, Sir FREDERICK. *League of Nations and the Coming Rule of Law*. 1918. *Oxford Pamphlet*.

*Problems of the International Settlement*. With an Introduction by G. Lowes Dickinson. 1918. Allen.

Selection of papers concerned with questions relating to the League published before 1916 by the "Central Organisation for a Durable Peace," an international association founded at The Hague in 1915 to study and advocate such a settlement at the conclusion of the War as will guarantee a durable peace. Among writers are Professor C. Gide, Professor Schücking, and E. Bernstein, Dr. Fried, Dr. H. Lammasch, Dr. Christian Lange, and M. H. Lie.

*Proposals for the Prevention of Future Wars*, by LORD BRYCE and others. 1918. Unwin.

*Reference Book for Speakers*. 1918. *League to Enforce Peace*.

RÜHLMANN, Professor Dr. *Der Völkerbundgedanke; Materialien-sammlung zusammen gestellt im Auftrage des Vereins "Ausland-kunde."* E. V. 1919. Engelmann, Berlin.

SAROLEA, CHARLES. *Europe and the League of Nations*. 1919. Bell.

International co-operation, not international anarchy, must be the guiding principle of world policy. The small liberated nations can survive only under the aegis of a strong League of Nations. Chapters on obstacles to the League, Germany, Poland, the United States of America, as "a gigantic and successful experiment in international government."

SAYRE, FRANCIS BOWES. *Experiments in International Administration*. 1919. Harper.

Survey of recent experiments in international administration. The author's ultimate conclusions are that as few States are now

economically self-sufficient there must be more governmental powers accorded to international organisations, and that though this may abridge national sovereignty, "the right of the individual State to stand out against the ordered progress of the world is open to serious question."

SCELLE, GEORGES. *Le Pacte des nations et la liaison avec le Traité de paix*. Préface de M. Léon Bourgeois. 1919. Larose.

SETON-WATSON, R. W. *Europe in the Melting Pot*. 1919. Macmillan.

Collection of articles contributed since 1916 to the *New Europe* on the resettlement of Europe on racial lines, and the establishment of a League of Nations, in which the author is an enthusiastic believer. He believes that satisfied nationality should precede the formation of the League.

SMUTS, JAN CHRISTIAAN. *The League of Nations: a Practical Suggestion*. 1918. Hodder.

Proposals for organisation, including a constitution. The League should be looked upon as "a possible means for preventing future wars, but much more as a great organ of the ordinary peaceful life of civilisation . . . its peace activity must be the foundation and guarantee of its war power." Discusses the principle of mandates.

STALLYBRASS, WILLIAM TEULON SWAN. *A Society of States: or, Sovereignty, Independence, and Equality in a League of Nations*. 1918. Routledge.

The author shows that the right of sovereignty, independence, and equality of nations are modified and limited in various directions, and concludes that the League of Nations through its guarantees would give added reality to recognised rights of independent sovereignty and to equality of all States before the law.

SWEETSER, ARTHUR. *The League of Nations at Work*. New York. The Macmillan Company.

A study of the League as it actually exists and functions.

TALBOT, EDWARD STUART, BISHOP OF WINCHESTER. *Spiritual Sanctions of the League of Nations*. 1919. Oxford Pamphlet.

URRUTIA, FRANCISCO JOSÉ. *La Evolucion del principio de arbitraje en America: La Sociedad de naciones*. 1920. Sociedad Española de libreria.

VOLLENHOVEN, C. VAN. *The Three Stages in the Evolution of the Law of Nations.* 1919. Nijhoff.

Develops the view that Grotius was in no sense the founder of the international law under which war has continuously ravaged the world from his time, but the advocate of a code of international ethics. "The period from 1570-1770, under Grotius, showing fragmentary rules at work; 1770-1914, under Vattel, who waged war for the sake of paramount power; and the period of the War of 1914 and The Hague Conferences form the three stages in this evolution."

WALKER, JAMES, and M. D. PETRE. *State Morality and a League of Nations.* 1919. Unwin.

WALLIS, JOHN EYRE WINSTANLEY. *The Sword of Justice: the Christian Philosophy of War completed in the Idea of a League of Nations.* Introduction by Ernest Barker. 1920. Blackwell.

Chapters are: I. May Christians ever avail themselves of Force? II. Christian War—(1) Just War; (2) Holy War; (3) What has the Church done to restrain War? (4) How can the Church help forward the League of Nations?

WALSTON, SIR CHARLES. *The English-Speaking Brotherhood and the League of Nations.* 2nd ed. 1920. Cambridge University Press.

Lectures and articles bearing on the problem of international relations. Plea for "an autonomous supernational court, backed by power under its own direct control," a "court of equity" rather than "a court of law," with a supernational police force to carry out its orders in the establishment of international justice.

*War Obviated by an International Police, a Series of Essays Written in Various Countries.* 1915. Nijhoff.

Articles representing points of view by publicists in Holland, Finland, United States, Austria, France, Germany, and Great Britain.

WELLS, HERBERT GEORGE, and others. *Idea of a League of Nations.* 1919. Atlantic Monthly Press.

WELLS, HERBERT GEORGE. *In the Fourth Year: Anticipation of a World Peace.* 1918. Chatto & Windus.

The idea of the League of Nations must be linked with the idea of democracy as universal justice.

WILSON, WOODROW. *International Ideals.* 1919. Harper.

WILSON, WOODROW. A League for Peace: Address of the President of the United States, delivered before the United States Senate on January 22, 1917. 1917. Government Printing Office, Washington.

WITHERS, HARTLEY. League of Nations: Its Economic Aspect. 1919. *Oxford Pamphlet*.

An exposition of the economic case for the League. "If there is no League of Nations commerce will be checked through every nation's need to be self-sufficing, and by the blow which international credit has received."

WOOLF, LEONARD SIDNEY. The Framework of a Lasting Peace. 1917. Allen.

Publishes seven schemes for a League of Nations which were drafted between 1914 and 1917 in America, on the Continent, and in Britain. In the Introduction the editor critically examines the various proposals.

WOOLF, LEONARD SIDNEY. International Government: two Reports Prepared for the Fabian Research Department. With an Introduction by Bernard Shaw, together with a project by a Fabian Committee for a supernational authority that will prevent war. 1916. Brentano.

Examines and criticises the best recent thought on how to league the nations together against war. The plan presented has been submitted to discussion by a committee of English students of government and international law.

YORK, ELIZABETH. League of Nations, Ancient, Mediaeval, and Modern. 1920. Swarthmore Press.

Includes Ancient Greek leagues; Dante's *De monarchia*; Henry the Fourth's *Grand Design*; Grotius on Arbitration; William Penn's *European Diet*; Saint Pierre's *Perpetual Peace*; Rousseau's *European Federation*; Kant's *Everlasting Peace*; Betham's *International Tribunal*; Alexander I and the Holy Alliance.

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ESSAYS AND ADDRESSES IN WAR-TIME. By  
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Collection of articles contributed since 1916 to the *New Europe* on the resettlement of Europe on racial lines, and the establishment of a League of Nations in which the author is an enthusiastic believer. He believes that satisfied nationality should precede the formation of the League.

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